

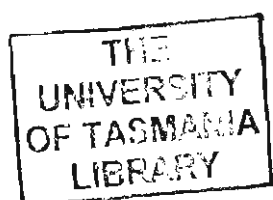
A Greener Alternative? Deliberative Democracy Meets Local Government in Australia

by

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Submitted in fulfilment of the requirements for the
Degree of Doctor of Philosophy

University of Tasmania
June 2003



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Declaration

This thesis contains no material which has been accepted for a degree or diploma by the University or any other institution, except by way of background information and duly acknowledged in the thesis, and to the best of my knowledge and belief the thesis contains no material previously published or written by another person, except where due acknowledgement is made in the text of the thesis.



Ivan Zwart

4 June 2003

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Abstract

In recent decades a search has been conducted among democratic theorists to find a decision making form that is both democratic, and able to produce outcomes that may be seen to favour the life supporting capacity of our natural systems. One form of decision making that has gained considerable interest from green theorists is participatory or deliberative democracy. It is suggested that compared to liberal representative structures, a deliberative conception of politics will allow for a more informed policy process that enables the discovery and support of generalisable rather than particular interests. As a consequence, citizen deliberation will produce outcomes that support the pre-eminence of the natural environment, while providing greater legitimacy and compliance with the agreements reached.

These assumptions about the environmental credentials of deliberative forums are not entirely theoretical. In recent decades there has been a gradual movement within local government in Australia towards the use of participatory or deliberative models to support its existing representative structure. In particular, this has been driven by the emerging role of local government in addressing environmental issues. It is shown that despite questions regarding their reliability, many of the assumptions made within the deliberative democratic literature also exist within local processes to deliver favourable environmental outcomes. The thesis therefore tests the purported benefits of deliberative structures. It finds that citizen deliberation can produce more informed policy processes. However, the notion that deliberative structures will produce both environmentally favourable and universally legitimate outcomes is dependent upon a range of contextual factors.

To support this thesis, existing research on public deliberation and two case studies in Australian local government are presented and examined. The first case study inspects the use of a precinct system at the Glenorchy City Council to address issues including waste management, while the second concerns the use of a citizens jury to address stormwater issues at the Waverley Municipal Council. Although a range of factors prove to have significant impacts upon the environmental outcomes that were achieved, the thesis concludes that the deliberative model can facilitate the greening

of decision making, and enable a collective realisation of the benefits of active citizenship.

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Previously Published Material

Earlier sections of some chapters were presented at a conference or published.

Sections of Chapter Two, Six and Appendix One were used to present:

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‘A Greener Alternative? Deliberative Democracy Meets Local Government’, *Environmental Politics*, 12, No.2 (2003).

Table of Contents

Declaration.....i
Abstract.....ii
Acknowledgementsiv
Previously Published Material.....vi
Abbreviationsxi
List of Tablesxii

Chapter One

Introduction 1
1.0 Introduction..... 1
1.1 Background to Study 1
1.1.1 The Democratisation of green political theory 1
1.1.2 The Greening of Australian local government..... 11
1.2 Research Aims and Methodology 14
1.2.1 Aims and argument 14
1.2.2 Research methodology and information sources 15
1.3 Thesis Limitations and Structure 17
1.3.1 Limitations and significance 17
1.3.2 Thesis structure 19

Chapter Two

Deliberative Democracy and the Environment.....24
2.0 Introduction.....24
2.1 Environmental Problems.....25
2.2 Two Democratic Traditions27
2.2.1 Representative democracy or polyarchy28
2.2.2 Deliberative or participatory democracy36
2.3 Three Implications for Environmental Decision Making52
2.3.1 Informing policy processes52
2.3.2 Favouring general interests53
2.3.3 Greater legitimacy and improved compliance 54
2.4 Before Moving On.....54

Chapter Three

Applying the Deliberative Ideal.....57
3.0 Introduction.....57

3.1	How Does Democracy Proceed?	58
3.1.1	The nature of political debate	59
3.1.2	Strategic behaviour	62
3.1.3	Reason and emotion	63
3.1.4	Private versus general interests	66
3.1.5	Groups within groups	68
3.1.6	Group deficits	70
3.1.7	Exclusion and inequality	71
3.1.8	Increasing difference	74
3.1.9	Consensus versus majority rule	74
3.1.10	A query regarding democratic legitimacy	76
3.2	Before Moving On	76
 Chapter Four		
Representative Local Democracy		79
4.0	Introduction	79
4.1	Changes to Australian Local Democracy	80
4.1.1	Early local government: a democracy for ratepayers	81
4.1.2	Modern local government: a democracy for citizens	91
4.2	Before Moving On	109
 Chapter Five		
Public Participation and the Greening of Local Government		110
5.0	Introduction	110
5.1	Sustainability and Sustainable Development	111
5.1.1	Weak and strong sustainable development	115
5.1.2	Australia's response: ecologically sustainable development	118
5.1.3	An emerging environmental role	121
5.1.4	Local Agenda 21	125
5.2	Before Moving On	137
 Chapter Six		
Glenorchy City Council		139
6.0	Introduction	139
6.1	Geography and Demography	140
6.2	Party Politics at Glenorchy	141
6.3	History of Participatory Democracy	141
6.4	The Precinct System	142
6.4.1	The 'who', 'where' and 'how' of precinct deliberation	145
6.4.2	Precinct survey: a further introduction to precincts	148
6.4.3	Weed Management Strategy	149

6.4.4	Humphrey's Rivulet Catchment Care Group.....	152
6.4.5	Benjafield Park.....	154
6.5	Waste Management Task Force	157
6.5.1	Backyard burning and green waste: a simple green decision?	160
6.5.2	Interviews with task force members	162
6.6	The Council Response.....	168
6.7	Before Moving On.....	169

Chapter Seven

Waverley Municipal Council.....	171
7.0 Introduction.....	171
7.1 Geography and Demography.....	172
7.2 Party Politics at Waverley.....	173
7.3 History of Participatory Democracy	173
7.4 Stormwater Pollution in NSW	175
7.4.1 Causes of stormwater pollution and its solutions	175
7.5 Stormwater Pollution at Waverley.....	178
7.5.1 Stage One – physical infrastructure	178
7.5.2 Stage Two – community education.....	179
7.5.3 Stage Three – deliberative processes	181
7.5.4 Citizens tele-poll	184
7.6 Bronte Catchment Citizens Jury	185
7.6.1 The 'who', 'where' and 'how' of jury deliberation	186
7.6.2 Pre-jury forum.....	192
7.6.3 Three-day citizens jury	194
7.7 The Council Response.....	204
7.8 Before Moving On.....	209

Chapter Eight

A Greener Alternative? Evaluating Deliberative Forums..210

8.0 Introduction.....	210
8.1 Public Deliberation: Some Issues for Case Study Comparison	212
8.2 A More Informed Policy Process?	215
8.2.1 Participants and environmental information.....	216
8.2.2 Environmental learning.....	218
8.2.3 Information, innovation and citizen deliberation.....	218
8.3 Favouring General Interests	220
8.3.1 The construction of the issues.....	221
8.3.2 Sponsor's aims and objectives	225
8.3.3 Citizen characteristics	229
8.3.4 Self-interest and environmental outcomes	230

8.3.5	Generalisable environmental interests and citizen deliberation.....	234
8.4	Greater Legitimacy and Improved Compliance	235
8.4.1	Citizens, legitimacy and compliance	236
8.4.2	Councillors, legitimacy and compliance.....	240
8.4.3	Deliberation and democratic legitimacy	246
8.5	Deliberating the Environment	247
 Chapter Nine		
Summary and Conclusions		249
9.0	Introduction.....	249
9.1	Summary of Findings	249
9.1.1	Informing policy processes	249
9.1.2	General interests.....	250
9.1.3	Legitimacy and compliance	251
9.2	Deliberating for Greener Outcomes.....	252
9.3	Resistance and the Deliberative Model	253
9.3.1	Taking the risk of public deliberation.....	253
9.3.2	Becoming a citizen.....	254
9.4	Concluding Remarks	258
References.....		259
Appendix One.....		278
Glenorchy Precinct Survey Results.....		278
Appendix Two		290
Bronte Catchment Citizens Jury Recommendations.....		290

Abbreviations

ALGA	Australian Local Government Association
ALP	Australian Labor Party
BCP	Bronte Catchment Project
EPA	Environmental Protection Authority
ESD	Ecologically Sustainable Development
GPT	Gross Pollutant Trap
IGAE	Intergovernmental Agreement on the Environment
ISMP	Integrated Stormwater Management Plan
IUCN	International Union for the Conservation of Nature
IULA	International Council on Local Environmental Initiatives
KBB	Keep Bronte Beautiful
LA21	Local Agenda 21
NRO	Natural Resource Officer
NSESD	National Strategy for Ecologically Sustainable Development
NSW	New South Wales
RFP	Residents Feedback Panel
UK	United Kingdom
UNSW	University of New South Wales
USEP	Urban Stormwater Education Program
WCED	World Commission on Environment and Development
WCS	World Conservation Strategy
WMTF	Waste Management Task Force

List of Tables

Table 1	Representative and Direct Democratic Traditions
Table 2	Dimensions of Habermas's Communications Model
Table 3	Changes to Australian Local Democracy
Table 4	Average Ratio of Councillors to Population by State
Table 5	Alternative Interpretations of Sustainable Development
Table 6	Public Participation for LA21 in Selected Australian Councils
Table 7	Precincts Waste Management Recommendations
Table 8	Bronte Citizens Jury Expert Presentations
Table 9	Comparison Between Precinct System and Citizens Jury
Table 10	Factors Influencing Deliberative Outcomes

Chapter 1

Introduction

1.0 Introduction

There is a belief among many democratic theorists that the most likely form of rule to consider and favour the long-term sustainability of our planet is one with a strong focus on the direct participation of citizens. As a consequence, participatory or specifically deliberative forms of democracy have come to dominate debates about ‘green democracy’, with the hope that through discussion the citizens involved in making decisions will come to see the inherent rationality of advocating action for the betterment of the natural environment.

Meanwhile, analogous to these theoretical developments, there is a similar progression among Western liberal democracies to address environmental or sustainability issues through participatory or deliberative means. Local government is arguably at the forefront of this growing trend, as the level of government closest to the people and increasingly undertaking action around environmental issues. But can public deliberation really ‘green’ decision making while improving our local democracies, as suggested in both deliberative theory and trends in local environmental practice? The purpose of this study is to address this central question, and demonstrate what actually occurs when citizens as well as elected representatives decide on action affecting their local environment.

1.1 Background to Study

1.1.1 The Democratisation of green political theory

The movement towards a deliberative conception of democracy should be seen among the latest in a series of attempts to bring together a decision making process that can produce outcomes favourable for the natural environment. During a period of

growing ecological concern in the late 1960s, the answers to our collective ecological problems were to come, it seemed, from an environmental dictatorship. Driven by resource pessimism, and supported by works such as Paul Ehrlich's *The Population Bomb*¹ and Garret Hardin's 'The Tragedy of the Commons',² the suggestion was made that only authoritarian measures would suffice given the impending ecological disaster. Further articulated over the next decade³ by writers such as William Ophuls and Robert Heilbroner, these sentiments continued. Ophuls considered that 'democracy as we know it cannot conceivably survive',⁴ while Heilbroner felt that:

...given these mighty pressures and constraints...I must confess I can picture only one such system. This is a social order that will blend a 'religious' orientation and a 'military' discipline. Such a monastic organization of society may be repugnant to us, but I suspect it offers the greatest promise for bringing about the profound and painful adaptations that the coming generations must make.⁵

For these observers then, only a very strong government with the power to enforce unpopular environmental measures would be able to prevent further ecological degradation.⁶ Authoritarianism was, therefore, an unfortunate, albeit inevitable, consequence⁷ of the profligate human inability to reduce resource use of their own free will.⁸

¹ Paul Ehrlich, *The Population Bomb* (London: Pan Books, 1971).

² Garrett Hardin. 'The Tragedy of the Commons.' In *Toward a Steady State Economy*. Edited by Herman Daly (San Francisco: W.H. Freeman and Company, 1973).

³ Bob Pepperman Taylor. 'Democracy and environmental ethics.' In *Democracy and the Environment: Problems and Prospects*. Edited by William Lafferty, James Meadowcroft (Cheltenham: Edward Elgar, 1996), p.87.

⁴ William Ophuls, *Ecology and the Politics of Scarcity* (San Francisco: W.H. Freeman, 1977), p.152. Cited by Pepperman Taylor. 'Democracy and environmental ethics', p.87. The conclusion that an environmental crisis was imminent, was reached following a thorough review of future resource availability, food-growing capabilities, population growth and general human environmental impacts. Robert Paehlke. 'Democracy and Environmentalism: Opening the Door to the Administrative State.' In *Managing Leviathan: Environmental Politics and the Administrative State*. Edited by Robert Paehlke, Douglas Torgerson (London: Belhaven Press, 1990), p.35-36.

⁵ *Ibid.*, p.36.

⁶ Brian Doherty, deGues, Marius. 'Introduction.' In *Democracy and Green Political Thought: Sustainability, Rights and Citizenship*. Edited by Brian Doherty, Marius deGues (London: Routledge, 1996), p.1.

⁷ Paehlke. 'Democracy and Environmentalism: Opening the Door to the Administrative State', p.35-36.

⁸ Pepperman Taylor. 'Democracy and environmental ethics', p.87.

The position of these 'ecoauthoritarian' writers has attracted almost universal criticism over the past two decades. The suggestion has been made that the Hobbesian conception of human nature favoured by Ophuls and Heilbroner would never instil great confidence in our leaders.⁹ After all, if humans cannot make selfless personal choices of their own free will, then giving such leaders political power without checks and balances would surely be very dangerous.¹⁰ Furthermore, it would appear unlikely that authoritarian rulers would be sensitive to, or informed about ecological matters, and their ability to induce positive behaviour is doubtful.¹¹ Some commentators also believe Ophuls and Heilbroner seriously underestimated the capabilities of our democratic institutions to resolve environmental issues. Indeed, rather than the inevitable move towards green authoritarianism, as early as the 1970s others recognised that environmental problems were leading to an expansion of participatory opportunities in several Western countries.¹² In addition, the great uncertainty and value-laden aspects of environmental problems make an authoritarian solution both irrational and unlikely. Given such criticism, the conclusions of Ophuls and Heilbroner were widely dismissed, and the 'survivalists' have 'beaten a hasty and dramatic retreat'¹³ in recent years. There are as a consequence, very few democratic theorists who openly espouse the virtues of green authoritarianism, although such views still linger in some small elements of the environmental movement.¹⁴ The feeling that there are irreconcilable tensions between democracy and the environment has not, however, subsided as rapidly.

Reversing the green authoritarian tendency, the work of Ronald Inglehart in *The Silent Revolution* (1977) at first appeared to bring environmental outcomes and

⁹ This is evidenced by Ophul's assertion that men would 'endeavour to destroy and subdue one another' for the purpose of gaining scarce resources. William Ophuls. 'Leviathan or Oblivion.' In *Towards a Steady-State Economy*. Edited by Herman Daly (San Francisco: W.H. Freeman and Company, 1973), p.216.

¹⁰ Mike Mills. 'Green Democracy: The search for an ethical solution.' In *Democracy and Green Political Thought: Sustainability, Rights and Citizenship*. Edited by Brian Doherty, Marius deGues (London: Routledge, 1996), p.98.

¹¹ Robert Paehlke. 'Environmental Values for a Sustainable Society: The Democratic Challenge.' In *Greening Environmental Policy: The Politics of a Sustainable Future*. Edited by Frank Fischer, Michael Black (New York: St Martin's Press, 1995), p.157.

¹² Paehlke. 'Democracy and Environmentalism: Opening the Door to the Administrative State', p.38-51.

¹³ Pepperman Taylor. 'Democracy and environmental ethics', p.88. This has been assisted by the poor or debatable natural and social sciences upon which such predictions were confidently made. *Ibid.*, p.87.

¹⁴ America's Earth First! is for Pepperman Taylor, such a group. *Ibid.*, p.88.

democratic means closer together. He noted that an important shift was occurring in western publics towards post-materialist values, particularly among younger people.¹⁵ The shift towards post-materialist values was occurring because recent generations have grown up during times of economic and physical security. Consequently, they tend to take material security for granted, and place more emphasis on other goals. Their parents and grandparents however, grew up during the Great Depression or during one of the World Wars, when scarcity and physical danger was more pervasive.¹⁶ Their value priorities today still reflect these formative experiences. Inglehart felt this shift in value priorities would ensure greater consideration for policies deemed necessary to guarantee the long-term future of the planet, advocated by writers such as Donella Meadows in her book *The Limits to Growth*.¹⁷ This book, which had clearly influenced Ophuls and Heilbroner, argued for reduced material consumption and zero growth in an attempt to move towards environmental sustainability. Inglehart felt this would have some support however, as 'an important and articulate minority among Western publics would probably support such a plan today if the need were demonstrated; and that minority may be growing.'¹⁸

While the shift towards postmaterial values may have increased the likelihood of better environmental outcomes by democratic means, Inglehart also felt there were 'some bleaker implications of the Meadows' analysis that need to be stated more bluntly.'¹⁹ For instance, despite a growing number of post-materialists, their limited overall number may mean achieving the aims of *Limits to Growth* would require 'repression of the Materialists through physical or social coercion.'²⁰ Furthermore, given wealthy nations were considered more likely to have post-materialist values, imposing such values on the less wealthy would have to come non-coercively, 'unless

¹⁵ Post-materialist needs are considered by Inglehart to be 'social or self-actualising', including nature, the value of ideas and free speech. Materialist needs on the other hand are more physiological, and lead to an emphasis on maintaining order and strong economic growth. Ronald Inglehart, *The Silent Revolution: Changing Values and Political Styles among Western Publics* (Princeton: Princeton University Press, 1977), p.385.

¹⁶ Ibid., p.364.

¹⁷ Donella Meadows, *The Limits to Growth: A Report for the Club of Rome's Project on the Predicament of Mankind* (London: Pan Books, 1974).

¹⁸ Inglehart, *The Silent Revolution: Changing Values and Political Styles among Western Publics*, p.385.

¹⁹ Ibid.

²⁰ Ibid.

one does not care whether the cure is worse than the disease.’²¹ Hence despite Inglehart’s research, his conclusions did little to dispel the orthodoxy of conflict between democracy and the environment.

Rather than focus on people’s values as Inglehart had done, Robert Goodin was primarily concerned with green parties and the problematic relationship between democratic means and environmental outcomes. Many writers and green political parties prior to Goodin had assumed that decentralised communities and highly participatory decision making structures would inevitably lead to decision making more favourable to the natural environment. In his book *Green Political Thought*, Goodin challenged such views, arguing that Greens had previously failed to distinguish between green values and green politics or agency. As he stated clearly, ‘to advocate democracy is to advocate procedures, to advocate environmentalism is to advocate substantive outcomes.’²² Most importantly, Goodin suggested there is no justifiable way to bridge this intellectual divide, beyond a poorly conceived defence of the ‘natural’ state of primitive human lifestyles.²³ Given his concern with the attainment of good environmental outcomes, Goodin felt that if necessary, green theory should promote good environmental consequences first, and action or agency second.²⁴

Following Goodin, Saward further highlighted the tension between environmental values and democratic practice in his analysis of the Green values advocated by writers such as Paehlke. Often reflected in the manifestos of various green parties,²⁵ Paehlke identified thirteen ‘central value assertions’ or ‘value priorities’ of environmentalism. These included the need for a global perspective, human humility, a heightened respect for all life, sustainability, simplicity and decentralisation. The last value assertion was a commitment to democracy, being a clear rebuttal to the views of the earlier eco-authoritarians. Saward points out, however, that Paehlke

²¹ Ibid., p.387.

²² Robert Goodin, *Green Political Thought* (Cambridge: Polity Press, 1992), p.168.

²³ Ibid., p.116.

²⁴ Ibid., p.16.

²⁵ For example, a list of elements of ‘Green consciousness’ is provided by Jonothan Porritt, who in 1987 was the Director of Friends of the Earth in the UK and a member of their Green Party. His list includes: a reverence for earth and all its creatures; a willingness to share the world’s wealth among all its peoples; and open, participatory democracy at every level of society. Drew Hutton, *Green Politics in Australia* (Sydney: Angus and Robertson, 1987), p.17.

derives his commitment to democracy in a slightly different way to the other value priorities, as it is described as 'the most acceptable and practical means to achieving the previous twelve.'²⁶ Democracy therefore has a particularly dubious position among Paehlke's environmental values, as rather than having the intrinsic worth of values such as sustainability, democracy's place is more instrumental and pragmatic. Saward points out that rather than due to moral commitment, democracy appears to belong due to a vague notion of 'acceptability.'²⁷

Saward's position is strengthened by his belief that there is a logical connection between liberalism and democracy that does not exist between environmentalism and democracy. He argues that critics may suggest that liberal democracy contains certain values, and hence a democracy could just as easily contain environmental ones. In this view, each version simply defines the necessary conditions for democracy in different ways - freedoms that cannot be overridden for liberals, and ecological imperatives for Greens. Saward argues, however, that in theory the problem from a green values perspective is that liberalism leaves the conception of the good pursued by individuals, up to those individuals. Greens, on the other hand, seek to define and enact a broad conception of the good to which individuals must conform. By virtue of outlining the values required to achieve the ecological 'imperative', all contrary values must be automatically excluded. Hence it could be argued that there is an inherent compatibility between liberalism and democracy that does not exist between ecologism and democracy. For this reason, Saward argues that Greens like Paehlke cannot provide an adequate link between the values of nature and democracy, and that there would appear no necessary connection between green values and democracy.²⁸

The irreconcilable tension identified by Ophuls and Heilbroner, and later reinforced by Saward and Goodin, is not one shared by some theorists, however, who have continued to search for democratic arrangements which could bring ecology and democracy closer together. Mathews²⁹ and Davidson,³⁰ among others, have

²⁶ Michael Saward, 'Green Democracy.' In *The Politics of Nature: Explorations in Green Political Theory*. Edited by A Dobson, P Lucardie (London: Routledge, 1993), p.65.

²⁷ Ibid.

²⁸ Ibid., p.64-69.

²⁹ Freya Mathews, 'Community and Ecological Self', *Environmental Politics*, 4, No. 4 (1995).

³⁰ Julie Davidson, 'Sustainable Development: Business as Usual or a New Way of Living', *Environmental Ethics*, 22, No. 1 (2000).

advocated communitarian understandings of democracy to bring our belief structures into line with ecocentric ones, and to enable greater commitment towards more ecologically sustainable ways of living. The reason for this is that communitarian liberalism provides an alternative understanding of liberalism to that advocated by writers such as Hobbes and Rawls, and which is apparent in the work of Ophuls and Helibroner. While liberals primarily conceive of democracy as comprising individuals with democratic rights, communitarian liberals such as Etzioni, Macintyre and Taylor view a healthy liberal society as a community of public-spirited citizens that are oriented towards a common good.³¹ The communitarian Sandel for instance, has stated that political arrangements cannot be justified 'without reference to common purposes and ends', while our personhood cannot be viewed 'without reference to our role as citizens, and as participants in a common life.'³² Thus communitarians may be seen to favour a social or embedded self above the pre-social self of the rights-based or deontological liberals. The result for some green theorists is a greater commitment to the natural environment, given its interests should gain greater consideration in a democratic community.

While communitarianism has proven popular for green theorists, others such as Eckersley³³ have chosen to pursue the linkage between green outcomes and democratic means by advocating a greater use of democratic rights. Another potentially green democratic alternative has come from Achterberg³⁴ in the form of associative democracy, while Burnheim has suggested 'demarchic' structures might provide some environmental benefits.³⁵

³¹ See Amitai Etzioni, *The Spirit of Community: Rights, Responsibilities and the Communitarian Agenda*, (New York: Crown Publishers, 1993).; Alasdair MacIntyre, *After Virtue: A Study in Moral Theory*, (London: Duckworth, 1981).; and Charles Taylor, *Hegel and Modern Society*, (Cambridge: Cambridge University Press, 1979).

³² Michael Sandel, *Liberalism and the Limits of Justice*, (New York: Cambridge University Press, 1982), p.5.

³³ Robyn Eckersley. 'Greening Liberal Democracy: The rights discourse revisited.' In *Democracy and Green Political Thought: Sustainability, Rights and Citizenship*. Edited by Brian Doherty, Marius deGues (London: Routledge, 1996); and Robyn Eckersley. 'Environmental rights and democracy.' In *Political Ecology: Global and Local*. Edited by Roger Keil, David Bell, Peter Penz, Leesa Fawcett (London: Routledge, 1998).

³⁴ Wouter Achterberg. 'Sustainability, Community and Democracy.' In *Democracy and Green Political Thought*. Edited by Brian Doherty, Marius deGues (London: Routledge, 1996).

³⁵ Burnheim's demarchic structures would involve decision-makers chosen by lot, and aim to replace representative ones. John Burnheim, 'Power Trading and the Environment', *Environmental Politics*, 4, No. 4 (1995).

Although it should be seen, therefore, that numerous attempts have been made to bring ecology and democracy closer together, the deliberative or discursive understanding of democracy has perhaps received the greatest support within the more recent green democratic literature.³⁶ Analogous to communitarianism, deliberative democracy begins with a critique of liberal democracy, and evolved following concerns for participation, democratic citizenship, and the common good.³⁷ While its concepts have become a highly contested arena within democratic thought, the growing literature can be seen as a response to concerns that democracy is more than merely 'counting heads', and that opportunities for discussion and the subsequent transformation of citizens' preferences should be a goal of democracy.³⁸ Among the various conceptions of deliberative democracy that have appeared in the past two decades are those outlined by Cohen,³⁹ Manin,⁴⁰ and Miller,⁴¹ with some more recent offerings such as Gutmann and Thompson's even including a variety of rights.⁴² Arguably however, the most popular conception of deliberative or discursive democracy employed by green theorists primarily emanates from the work of the critical theorist Habermas.⁴³ Among the many writers to use his ideas include Brulle,⁴⁴ Dobson,⁴⁵ Eckersley,⁴⁶ Jacobs⁴⁷ and Mason,⁴⁸ although it seems the first to

³⁶ B Barry. 'Sustainability and Intergenerational Justice.' In *Fariness and Futurity*. Edited by A. Dobson (Oxford: Oxford University Press, 1999), p.214-15.

³⁷ James Bohman, 'The Coming of Age of Deliberative Democracy', *The Journal of Political Philosophy*, 6, No. 4 (1998): p.400.

³⁸ Michael Saward. 'Democratic Innovation.' In *Democratic Innovation: Deliberation, Representation and Association*. Edited by Michael Saward (London: Routledge, 2000), p.5.

³⁹ Joshua Cohen. 'Deliberation and Democratic Legitimacy.' In *The Good Polity: Normative Analysis of the State*. Edited by Alan Hamlin, Philip Pettit (Oxford: Basil Blackwell, 1989).

⁴⁰ Bernard Manin, 'On legitimacy and political deliberation', *Political Theory*, 15, No. 3 (1987).

⁴¹ David Miller. 'Deliberative Democracy and Social Choice.' In *Prospects for Democracy: North, South, East, West*. Edited by David Held (London: Polity Press, 1993).

⁴² Amy Gutman, Thompson, Dennis, *Democracy and Disagreement* (Cambridge: Harvard University Press, 1996). Saward has even suggested that the deliberative model has been the dominant new element in democratic theory over the past ten years. Saward. 'Democratic Innovation', p.5.

⁴³ See Jurgen Habermas, *The Theory of Communicative Action, Volume 1. Reason and the Rationalisation of Society*, translated by Thomas McCarthy (Boston: Beacon Press, 1981).

⁴⁴ Robert Brulle, *Agency, Democracy and Nature: The U.S. Environmental Movement from a Critical Theory Perspective* (Cambridge, Massachusetts: The MIT Press, 2000).

⁴⁵ Andrew Dobson. 'Democratising Green Theory: Preconditions and principles.' In *Democracy and Green Political Thought*. Edited by Brian Doherty, Marius deGues (London: Routledge, 1996).

⁴⁶ Eckersley. 'Greening Liberal Democracy: The rights discourse revisited.'

⁴⁷ M Jacobs, *The Politics of the Real World* (London: Earthscan, 1996).

⁴⁸ Michael Mason, *Environmental Democracy* (London: Earthscan, 1999). Some of Habermas's ideas have also been employed in planning literature. Examples include John Forester, ed. *Critical Theory and Public Life* (Cambridge: The MIT Press, 1985); John Forester, *The Deliberative Practitioner: Encouraging Participatory Planning Processes* (Cambridge: The MIT Press, 1999); and Patsy Healey. 'Planning Through Debate: The Communicative Turn in Planning Theory.' In *The Argumentative Turn in Policy Analysis and Planning*. Edited by Frank Fischer, John Forester (London: UCL Press, 1993).

apply Habermas's ideas to environmental issues was John Dryzek. As a consequence Dryzek's many works are not only among the primary sources for these authors, but for this reason provide much of the theoretical core for this thesis.⁴⁹

The bridging of the intellectual and practical divide between deliberative democratic means and environment outcomes began most notably in 1987, with Dryzek's *Rational Ecology*⁵⁰ in which he criticised liberal democracy's ability to address environmental issues. The general contention made by Dryzek and others supportive of deliberative democracy, is that decisions are made within representative liberal democracies on the basis of an aggregation of individual or group preferences, without the need for such views to be challenged through a process of debate. As a consequence, representative democracies often favour issues and support arguments that favour specific or special interests, while interests that affect all citizens tend to suffer. This means environmental issues are frequently unrepresented in liberal democratic systems, or alternatively, are viewed as another specific interest to be compromised against all others.⁵¹

Both Dryzek's *Rational Ecology* and subsequent works such as *Discursive Democracy*⁵² indicated an alternative to the allegedly self-interested nature of liberal pluralism, by finding recourse to Habermas's concepts of communicative rationality and the ideal speech situation. In doing so, Dryzek appeared to have established a link between democratic procedure and environmentally favourable outcomes, with the central contention being that democratic procedures closely approximating the ideal speech situation (which is theoretically devoid of power relations) will enable the recognition of general rather than specific interests. Consequently, as potentially the pre-eminent general interest, arguments favouring the maintenance or sustainability of our natural environment should dominate. Dobson summarises this proposition as follows:

⁴⁹ Indeed the widespread use of Dryzek's work in Chapter Two was as a consequence, almost unavoidable.

⁵⁰ See John Dryzek, *Rational Ecology* (Oxford: Basil Blackwell, 1987).

⁵¹ *Ibid.*, p.110-31.

⁵² John Dryzek, *Discursive Democracy: Politics, Policy and Political Economy* (Cambridge: Cambridge University Press, 1990).

The point is that all rational, uncoerced and knowledgeable individuals (i.e. individuals in the ideal speech situation participating in the procedures of discursive democracy) will come to the conclusion that the ecological systems on which human life depends should be protected. This amounts to saying that sustainability is a generalisable interest, and that procedures of discursive democracy will always produce decisions in favour of it. The upshot is that while discursive democracy is an affair that stresses procedures over product, it is possible to conceive of the procedure as always giving rise to a special type of product ('generalisable interest').⁵³

Although this may appear an enormous assumption when we move from the theory to the reality of deliberation, it nevertheless provides the essence for further claims by advocates of deliberative democracy. As the review of deliberative democracy's environmental credentials reveals in Chapter Two, such structures are also expected to increase the sources of information available to the decision making process, and consequently lead to more informed policy-making. Moreover, the improved legitimacy gained through deliberative interaction (which should be free from coercion and manipulation) should engender greater support from all involved, and lead to improved compliance with the decisions reached. Therefore, if deliberative democratic forums can be created, they would appear a most ecologically beneficial democratic form.

Despite its theoretical appeal there has, however, been a remarkable absence of evidence from real deliberative situations to support these assumptions, and few attempts to link such theoretical ideas to actual practice. Perhaps the clearest attempt in recent times has come from the work of Adolf Gundersen, whose series of deliberative interviews on environmental topics increased the environmental commitment in a group of people who did not consider themselves environmentalists.⁵⁴ While an interesting intellectual exercise, such research does not tell us how people will act in practice when faced with a decision affecting their own

⁵³ Dobson. 'Democratising Green Theory: Preconditions and principles', p.137. The details and intent of the ideal speech situation are covered in greater detail in Chapter Two.

⁵⁴ A Gunderson, *The Environmental Promise of Democratic Deliberation* (Wisconsin: University of Wisconsin Press, 1995).

material well being.⁵⁵ Indeed, the apparent blind spot with deliberative theory's ability to predict real outcomes is seemingly acknowledged by one of its most ardent environmental advocates. Consequently we find that while Dryzek recognises that in theory the integrity of our environmental systems may 'be a generalisable interest par excellence',⁵⁶ he notes that in practice, favourable environmental outcomes may not occur if the deliberators do not hold strong environmental values, or have livelihoods dependent on the sustainability of their local environment.⁵⁷ Thus while open deliberative processes may admit the discussion of environmental interests, there is nothing to guarantee this interest will be generalised.⁵⁸

Given these observations, this thesis asks: how do the purported benefits of deliberative designs measure up when they leave the realm of democratic theory, and enter the real world of environmental decision making? More specifically, how do environmental interests fare, when they become the topic for public decision making in deliberative forums? Do they become both generalised and supported as the deliberative democrats assert? And do deliberative structures produce more informed policy processes, create more legitimate decisions, and lead to greater compliance with the agreements reached? These questions are the central concern of this thesis, and gain additional relevance when we consider there is an increasing use of participatory or deliberative arrangements to address local environmental issues.

1.1.2 The Greening of Australian local government

Generalisations about Australian local government are clearly difficult considering there are 726 individual members,⁵⁹ in a federal system of six states and two

⁵⁵ Similarly, Blaug notes that while Habermasian discourse ethics carefully preserves a place for the input of participants, it then seems to lose interest in them. Consequently, affirmative uses of Habermasian normative theory tend to simply call for increased democratic fora, without continuing down to address their actual functioning. Ricardo Blaug, *Democracy Real and Ideal: Discourse Ethics and Radical Politics* (Albany: State University of New York Press, 1999), p.79.

⁵⁶ Dryzek, *Discursive Democracy: Politics, Policy and Political Economy*, p.55.

⁵⁷ John Dryzek, *Deliberative Democracy and Beyond: Liberals, Critics, Contestations* (Oxford: Oxford University Press, 2000), p.141.

⁵⁸ Manuel Arias-Maldonado, 'The Democratisation of Sustainability: The Search for a Green Democratic Model', *Environmental Politics*, 9, No. 4 (2000): p.51.

⁵⁹ Neil Marshall, Sproats, Kevin, 'Using Strategic Management Practices to Promote Participatory Democracy in Australian Local Government', *Urban Policy and Research*, 18, No. 4 (2000): p.496.

territories. Nevertheless, if democracy can be divided into the representative and the deliberative forms, as deliberative democrats assert, then it may be argued that local governments in Australia have historically favoured the former as their preferred decision making form. Indicative of a wider trend towards more open government, local governments have, however, begun to experiment with participatory modes of decision making to supplement an existing representative system. While this may be simply viewed as one of a number of changes pushed by Australian state governments to modernise local government, one primary reason for this has been the emergence of local government as a key player in addressing environmental issues. This has been driven by a number of factors. There has been, for instance, a nationwide trend towards deregulation, decentralisation and devolution of traditional national and state level functions, including environmental ones. For Adams and Hine, this has occurred primarily due to national fiscal constraints, with the outcome being a general shift from centralised policy-making, towards local governments and communities playing a greater role in both the development and implementation of environmental policy.⁶⁰ At the same time there is greater recognition of the benefits that a strong local role can bring in addressing environmental issues. Indeed, the global catchcry of 'Think globally, act locally' can be seen to embody the acknowledgment that despite many 'macro' environmental issues such as global warming and biodiversity loss gaining considerable public attention, the causes of such issues are increasingly seen as essentially local in nature, being spatially restricted in an environmental and social sense.⁶¹ Therefore, how people live their daily lives is viewed as having significant implications for the environment, and consequently, some lifestyle and social changes may be required that can only be altered at the local level.⁶² This is because local action is considered more likely to develop the 'enduring concern and involvement' necessary to resolve such problems, and can offer the diversity of

⁶⁰ G Adams, Hine, M. 'Local Environmental Policy Making in Australia.' In *Australian Environmental Policy 2: Studies in Decline and Devolution*. Edited by Ken Walker, Kate Crowley (Sydney: UNSW Press, 1999), p.188.

⁶¹ Ibid. For some authors, the term 'glocalisation' is one way to describe the enhanced political, economic and environmental pressures that will continue at the local level as a result. Kate Crowley, 'Glocalisation' and Ecological Modernity: challenges for local environmental governance in Australia', *Local Environment*, 3, No. 1 (1998): p.93.

⁶² Adams and Hine argue that this is clearly echoed across the entire range of local government approaches to environmental policy and management, whether they be driven by strategic commitments to broad concepts like ecologically sustainable development, or more narrowly focussed natural resource or catchment management issues Adams. 'Local Environmental Policy Making in Australia', p.188..

approaches required for differing local conditions and circumstances.⁶³ Finally, there is a growing realisation that local government policy and practice has a direct impact on local environmental outcomes. This is not only demonstrated through its traditional environmental regulation roles, but also due to an appreciation that the actual provision of locally provided services has significant environmental impacts.⁶⁴

As suggested above, this emerging environmental role has also been central to encouraging some local governments to trial more participatory or deliberative democratic forms. Assisted by the philosophy of the internationally recognised 'Local Agenda 21' (LA21) environmental planning process, whose assumptions are not unrelated to those of deliberative democrats, this relatively new experiment has seen a growing number of councils adopt processes that aim to achieve ecologically sustainable outcomes through participatory or deliberative means. Furthermore, if research conducted in the United Kingdom is any indication, there is widespread cynicism and apathy among citizens with the workings of existing representative local authorities. Consequently the new participatory structures are also a response to this, and are seen as having the potential to create conditions within which divergent local interests can convey and understand these competing claims.⁶⁵ With limited research conducted in Australia regarding local deliberative processes however, the outcomes that are achieved through deliberative structures remains relatively undocumented. Moreover, it is unclear whether the faith in deliberation displayed by deliberative democrats and embodied in concepts such as 'Local Agenda 21', is actually justified. What is required therefore, is a body of research that both investigates attempts at genuine citizen deliberation, and uses the insights of democratic theory to inform and assess the outcomes. This thesis aims to fill this lacuna, by bringing together the frequently disparate endeavours of democratic theory and democratic practice.

⁶³ J Argeyman, Evans, B, ed. *Local Environmental Policies and Strategies* (Harlow: Longman, 1994), p.198. As a consequence, Argeyman and Evans argue that although there must be international, national and regional frameworks and guidance, 'it is local policy and action which will ultimately deliver sustainability.' Ibid., ed. This view seems to gain some support from the 'localist' argument, which states that local problems are best handled by local people. Local governments are considered sensitive to local needs and conditions, and a more legitimate and responsive level of government than its more centralised counterparts. James Connelly, Smith, Graham, *Politics and the Environment: From Theory to Practice*, Second ed. (London: Routledge, 2003), p.33.

⁶⁴ Adams. 'Local Environmental Policy Making in Australia', p.188.

⁶⁵ Connelly, *Politics and the Environment: From Theory to Practice*, p.32-33.

1.2 Research Aims and Methodology

1.2.1 Aims and argument

As suggested above, this study has a number of inter-related aims. The first is to identify the principles and assumptions made within the deliberative democratic literature inspired by Jurgen Habermas. In doing so, it aims to clarify who should be involved in deliberation, where it should be located, and how it is allegedly achieved, while also highlighting the reasons why this form of democracy should benefit decisions affecting the natural environment. The second aim is to determine whether the claims of deliberative democracy stand up in the real world of local environmental decision making. In order to achieve this objective, local government in Australia is discussed in considerable detail, given that many local governments are moving away from their purely representative forms and experimenting with deliberative arrangements for resolving issues including environmental or sustainability ones. Two case studies of Australian councils are then presented, as each recently introduced a participatory or deliberative structure to resolve one or more environmental issues. The findings of these cases provide some useful empirical data to compare with the theoretical underpinnings of deliberative democracy, and allow for some conclusions to be reached regarding the utility of deliberative arrangements for environmental decision making.

The essential argument of this investigation is that deliberative democratic theory is correct in claiming deliberative forums can lead to a more informed policy process. Nevertheless it finds that because of the subjective nature of all interests, there is no guarantee such structures will lead to the recognition and favouring of ‘generalisable’ interests beneficial to the life supporting capacity of natural systems. Similarly, deliberative structures may be deemed by many involved to add legitimacy to the system of representative democracy and improve the compliance of these actors. However, like the concept of a generalisable interest, the subjective element inherent in impressions of fairness or legitimacy ensures that for some actors not only the act of deliberation, but also the outcomes that result, are important determinants of democratic legitimacy. As a consequence, it is argued while there are good reasons

for local governments to continue to involve their citizens in environmental decision making, without the presence of a number of contextual factors there can be no certainty such structures will deliver the outcomes either hoped for or predicted.

1.2.2 Research methodology and information sources

1.2.2.1 Literature reviews

The literature covered involved three discrete areas of inquiry. Firstly, I addressed green democratic theory, and subsequently focussed on approaches to, and critiques of, deliberative democratic theory. Secondly, I considered theories of local democracy, and changes occurring in local democracy in Australia and the United Kingdom (UK) in particular. Finally, I dealt with local government's emerging environmental role. This included a review of literature relating to sustainability, local sustainability, and in particular the concept of 'Local Agenda 21.' Subsequently, I undertook interviews with a number of leading Australian councils regarding their local sustainability programs, which proved particularly insightful to the development of the thesis. They not only indicated that some councils were struggling to engage their citizens, but illustrated considerable uncertainty about the value of formal citizen participation in addressing sustainability issues. At this point it was clear research in this area would be particularly worthwhile, and case studies were needed to address some common theoretical and practical issues.

1.2.2.2 Case studies

The case study method was chosen to address the theoretical and practical issues uncovered in the literature reviews and discussions with local governments. As Rhodes has suggested, provided there 'is a theoretical statement' to enable comparison with each case, this method can enable valid analytical generalisations.⁶⁶ Indeed, according to Lijphart, intensive analysis of a few case studies may be a more

⁶⁶ R.A.W Rhodes. 'The Institutional Approach.' In *Theory and Methods in Political Science*. Edited by David Marsh, Gerry Stoker (Houndsmills: Macmillan Press Ltd, 1995), p.56.

rewarding exercise than a more superficial analysis of many cases.⁶⁷ Given the nature of the problems being addressed, it was, therefore, felt a thorough analysis of two different deliberative structures would enable some generalisations to be reached about their use, and the various outcomes that may result.

The first case study was undertaken at the Glenorchy City Council near Hobart, Tasmania. Initial research regarding the suitability of the case began by gathering documentation about the council's precinct system, and through an initial interview with the council's Community Liaison Co-ordinator in October 2000. The vast majority of the research for this case study subsequently occurred between March and June 2001. After meeting with one of the Precinct Liaison Officers, observations were undertaken of sixteen precinct meetings and four council meetings. Prior to the precinct meetings, the citizens involved were informed of the research being conducted, and given an opportunity to object to the observations. The citizens were, however, highly supportive and extremely willing to assist in these endeavours. This support was clear by the assistance given in completing a survey, which elicited 52 responses from the 105 that were distributed to precinct attendees. A series of structured interviews was also conducted between April and June. These interviews were taped and transcribed, and involved the council's Environmental Services Manager (and Acting General Manager), Waste Management Officer, Environmental Resource Officer, Property Development Officer, and Precinct Liaison Officer; eight precinct attendees; and nine councilors including the Mayor. After gathering additional written material including council reports of various precinct and council meetings, the research for this case study was completed before the end of June 2001.

The research for the second case study at the Waverley Municipal Council in eastern Sydney began in August 2001, and was completed by October 2002. Preliminary information was obtained on the suitability for study of the forthcoming citizens jury, after which six weeks were spent in Sydney in September and October 2001 to view the process and conduct interviews with those involved. The jury itself was held between the 14th and 16th of September, with the first day and a half open to observers, and the second day and a half closed to all but the participants. After

⁶⁷ Arend Lijphart, 'Comparative Politics and Comparative Method', *American Political Science Review*, 65 (1971): p.685.

asking the permission of the project manager and jury members, I was also able to observe the closed sessions, and take notes on their deliberations. The time spent in Sydney was also used for other forms of data collection, such as reports and pamphlets made available by the council, the New South Wales (NSW) Environmental Protection Authority (EPA), and the consultancy firm, Elton Consulting. Interviews, which were generally taped and transcribed, were also undertaken with the council's Community Liaison Co-ordinator, a member of a local community group, and the Mayor and Deputy Mayor of Waverley. I was also able to attend a short meeting organised by Elton Consulting for interested researchers. Access to the jurors during and beyond the jury process was not permitted as a condition of my research.

Following the publication of a report of the jury process by Elton Consulting in February 2002, further research in Sydney was undertaken over a two-week period. The further research involved a series of structured interviews, undertaken with the EPA's Community Education Manager; two staff members from Elton Consulting; Waverley Council's General Manager, and the current and two previous Environmental Services Managers; two precinct members; and five councillors. Access to the jurors remained prohibited. Despite this, the information gained including the transcribed interviews and further council, EPA and Elton Consulting reports and written information, enabled the completion of the case study and the thesis.

1.3 Thesis Limitations and Structure

1.3.1 Limitations and significance

This study's theoretical roots are in the strand of deliberative theory inspired by Jurgen Habermas. As a consequence, the thesis gives a comprehensive outline of his theory as relevant to environmental issues. The study does not, as Renn and Webler have done, delve into the many nuances of his linguistic theory to demonstrate how the participatory mechanisms chosen may or may not meet a complicated series of

tests for both fair and competent public participation.⁶⁸ In this regard the case studies employed may be seen to use a relatively simplified understanding of deliberative democratic theory (embodying Habermas' 'ideal speech situation') as a lens for evaluation. This is a deliberate strategy, as to do otherwise would not only repeat their work, but complicate unnecessarily the findings of the case studies. For these reasons, it is hoped that the thesis is able to provide a satisfactory account of deliberative democratic theory, while also enabling a link to be made with real deliberations around a number of environmental issues.

The more practical and applied aspects of this thesis are limited to the Australian context, although clearly many of the changes occurring in Australian local government are also apparent in countries including the United Kingdom. Similarly, while only two cases were used to inform the study, the differences between the cases investigated, and considerable research conducted on real deliberation in Chapter Three, indicate that similar conclusions would be reached if further cases had been undertaken. It is hoped, therefore, that the lessons learnt from these cases, and the associated research on real deliberative structures, give the findings a broader application. Moreover, this research may inspire a greater appreciation within local government of the value and limitations of the approaches taken.

Given the widespread appeal of deliberative theory and practice for addressing environmental issues, it would be difficult to state categorically that a study with similarities to this one has never been completed. Nevertheless, it can be stated the thesis makes a contribution to green deliberative theory, by first outlining its origins and assumptions, and then clearly establishing the environmental benefits espoused in the literature. It also makes a contribution to applied political research, by comparing these alleged benefits with actual decision making. The thesis is the first to clearly articulate the claims of green deliberative theory, and then compare and contrast these within the context of deliberations occurring at the local level. In particular, it makes a contribution using observations of, and insights from, the participants involved, and provides some new empirical material to fill the gap that exists 'below' green democratic theory.

⁶⁸ See Ortwin Renn, Webler, Thomas, Wiedemann, Peter, ed. *Fairness and Competence in Citizen Participation* (Dordrecht: Kluwer Academic Publishers, 1995).

While the thesis is therefore significant in bringing together deliberative theory and democratic practice, perhaps its most important contribution to political research in Australia is its focus on the local government level. As long ago as 1981, the Australian Council for Intergovernmental Relations commented that 'local democracy has been a neglected area of research.'⁶⁹ It is probably fair to say this remains the case, with only a handful of political scientists focussing on the local level, and even fewer showing an interest in aspects of local democracy. Recent research regarding Australian local democracy is therefore particularly scarce, with some notable exceptions including the work of Rosemary Kiss, Chris Aulich, Neil Marshall and Kevin Sproats.⁷⁰ A thesis specifically addressing aspects of local participatory practice through the case study method was also undertaken by Lyn Carson in 1996.⁷¹ While some research has also been undertaken on different aspects of LA21 processes in Australia, this thesis would seem to be the first comprehensive research in Australia to discuss and evaluate deliberative models for addressing specific environmental issues at the local government level.

1.3.2 Thesis structure

The thesis is structured as follows. Given the thesis intention of assessing the utility of deliberative democracy for environmental policy-making, Chapter Two presents a concise understanding of deliberative democratic theory from a large and often convoluted literature. In particular, it focuses on the strand of deliberative democracy inspired by Jurgen Habermas, and first applied to environmental issues by Dryzek. In doing so it distinguishes between representative democracy and deliberative democracy, and suggests that the representative form of democracy is said to favour instrumental decision making, and specific rather than general interests. It then

⁶⁹ Margaret Bowman, Hampton, William, *Local Democracies: A Study in Comparative Local Government*, (Melbourne: Longman Cheshire, 1983), p.177.

⁷⁰ These authors are frequently referred to in Chapter Five, which addresses Australian local democracy.

⁷¹ Lyn Carson. 'How Do Decision-Makers in Local Government Respond to Public Participation? Case Study: Lismore City Council 1991-1995.' Unpublished Doctoral Thesis, Southern Cross University, 1996. Carson also conducted a survey in Lismore regarding local democracy. See Lyn Carson, 'Consultation in the Lismore Local Government Area: Analysis of Telephone Survey Conducted May/June 2000' (Sydney: University of Sydney, 2000) Available from http://www.hydra.org.au/activedemocracy/articles/04_consultation.pdf.

outlines the communicative form of rationality that is claimed to assist participants identify and favour general rather than specific interests. After arguing that deliberative arrangements can be viewed as small participatory structures that supplement the system of representative democracy, the chapter ends with three propositions that support these structures for resolving environmental issues. These three propositions are later tested against real deliberation in two Australian local governments.

It is clear, however, that deliberation is not merely a theoretical construct and that it is practised in existing democracies. Consequently, Chapter Three analyses some existing research on public deliberation. This not only allows an initial investigation of the likely outcomes of deliberative structures in addressing environmental issues, but also provides further insights to inform the case studies that follow. The chapter reveals a complex picture regarding the ability of deliberative democracy to achieve the outcomes expected from it. It covers issues such as the nature of political debate, the existence of strategic behaviour, group polarisation, and exclusion and inequality. It finds that there are good reasons to believe deliberative structures may produce the outcomes expected from them, although equally factors such as these may adversely impact upon the outcomes that are achieved. With these observations the thesis moves on in Chapters Four and Five to provide a context for the case studies that follow. It could be argued these chapters also provide additional justification for the use of local government as a site to test the utility of deliberative democracy for addressing environmental matters.

As the first of two chapters dealing with local government, Chapter Four addresses local democracy in Australia. The chapter argues that the model of democracy that has primarily dominated has been based upon the tradition of representative rather than participatory or deliberative democracy. It is shown that its provision of a limited number of services to property led to a ratepayer democracy that favoured specific interests, and ensured many members of local communities gave little attention to the sector. Moreover, with few opportunities for direct citizen participation, local government was often depicted as elitist, and not particularly representative of all its citizens' interests. The chapter then goes on to argue that although the focus on representative local democracy has continued in many local

governments, a number of changes in recent decades have altered local government's ability and willingness to represent all its citizens. Thus the elite representative system has gradually become a system able to deliver additional services, and increasingly willing to engage and involve all community members. This focus on open government and citizen participation has led at least some councils to shift towards more deliberative or participatory forms of decision making, a move frequently encouraged by local government's emerging environmental role. This trend towards addressing environmental issues through citizen deliberation provides a focus for a second chapter on Australian local government.

Chapter Five outlines the escalation of local government's role as an environmental manager, and the reasons why this has encouraged a greater emphasis on citizen participation. Because discussions regarding the natural environment are now embedded in the concept of sustainability or sustainable development, the chapter outlines this highly contested concept, and its links with public participation. Sustainable development in Australia is then addressed, followed by a discussion of the emergence of local government as an important player in tackling such issues. The chapter argues that the commitment shown to public participation and deliberation is not only evident in deliberative conceptions of democracy and some understandings of sustainability, but also increasingly when environmental issues are addressed at the local level. This is most notable when the chapter concludes with a discussion of LA 21, and its implementation in some Australian councils. With a clear understanding of deliberative democracy and Australian local government's increasing use of deliberative structures, the thesis moves on to assess through two case studies and a subsequent evaluation chapter, the utility of deliberative democracy for real environmental decision making.

Chapter Six is the first case study, which investigates the Glenorchy City Council's use of a precinct system to involve its citizens in council decision making. The chapter provides a thorough discussion of the precinct system, and argues it may be deemed deliberative in nature. The case subsequently highlights a number of environmental issues addressed by the precincts, although deliberations that occurred around a series of waste management issues provide the primary focus for the chapter. Through numerous observations and interviews, the investigation finds that despite

the deliberative model's ability to inform some citizens about these issues, it did not always deliver recommendations that may be deemed favourable to the natural environment. The chapter concludes with a brief outline of the council's response to the precinct's recommendations.

Chapter Seven is the second case study. It investigates deliberations about stormwater pollution undertaken by a citizens jury conducted by the Waverley Municipal Council. The chapter begins with an outline of stormwater issues, and argues that the citizens jury process is also broadly deliberative in nature. The chapter then provides, through detailed observations, a thorough description of the deliberations that were undertaken. Further assisted by a variety of interviews and written reports, it is found that the jury agreed upon a series of outstanding recommendations to resolve stormwater pollution in a specific catchment. Similar to the Glenorchy case, the second case study is completed with an explanation of the council's response to the jury's recommendations.

With the presentation of two unavoidably descriptive case studies, Chapter Eight analyses the information gained and discusses it in light of the claims made by deliberative democratic theory. The chapter briefly addresses issues of case study comparison, and then analyses the ability of each deliberative structure to inform decision making, favour generalisable interests, and improve the legitimacy and compliance with the agreements reached. It argues that although the deliberative structures investigated were able to successfully inform decision making as the deliberative democrats assert, the claim that environmental interests will become both generalised and supported rests upon a number of important contextual factors. Similarly, while both deliberative procedures may have improved the legitimacy of the decisions reached in the eyes of many participants, where agreement is not reached there remains a possibility some participants will not view the decision making process used as either fair or legitimate. Chapter Nine concludes the thesis by not only restating its aims and findings, but also discussing some broader issues regarding Australian local democracy and the value of citizen deliberation.

Conclusion

This introduction has provided some background to the study that follows, and outlined its essential aims, scope and limitations. The chapter has also outlined the core arguments and structure of the thesis. The following chapter addresses the theory of deliberative democracy inspired by Jurgen Habermas, and how it can allegedly improve the environmental decision making of our democracies.

Chapter Two

Deliberative Democracy and the Environment

2.0 Introduction

As suggested in Chapter One, the passing of green authoritarianism has seen a number of democratic theorists find recourse in the notion of deliberative or discursive democracy as one possible solution to our environmental woes. In particular, the strand of deliberative democracy inspired by the work of Jurgen Habermas, and first applied to environmental decision making by John Dryzek,⁷² has been frequently seen as a form of decision making which may bridge the divide between democracy, and outcomes favourable to the natural environment. What is not easily identified from the literature of Dryzek and others, however, is how deliberative democracy is expected to operate, and what benefits this understanding of democracy may provide for the natural environment. This chapter aims to resolve these theoretical uncertainties, thereby allowing later chapters to evaluate the practical utility of deliberative democratic practice for environmental decision making.

To address these issues, this chapter is divided into three sections. The first section briefly outlines Dryzek's discussion of the nature of environmental problems. This leads to a second section, which explains how deliberative democracy is purported to occur. In doing so, two democratic traditions are outlined, and their ability to handle inherently complex and uncertain environmental issues addressed. Representative democracy (or polyarchy) is first introduced and assessed for its ability to address environmental problems - as this provides a context for discussion of the subject of this thesis - participatory or deliberative democracy, and the variant inspired by the work of Habermas. An outline of the theoretical underpinnings of this form of deliberative democracy is subsequently provided, together with an understanding of the basis upon which a deliberative structure should operate. The third section of this

⁷² As suggested in the Introduction, Dryzek's work frequently provides the basis for numerous other theorists who have used Habermas's concepts to address environmental issues. Therefore, the heavy reliance on his numerous works in this initial chapter is unfortunately, unavoidable.

chapter distills from this literature three primary reasons why deliberative mechanisms should assist with resolving environmental issues, which will be tested in the case studies in chapters six and seven. Before undertaking this task, the thesis moves from deliberative democratic theory in this chapter, to discuss existing research on real world deliberation in Chapter Three.

2.1 Environmental Problems

John Dryzek was among the first to challenge the view there is an irreconcilable tension between democratic values and environmental ones. Coming from the critical theory tradition, Dryzek explicitly established in *Rational Ecology* (1987) the potential of a critical perspective to science and politics, and the nature of environmental problems. Among Dryzek's central arguments, is that ecological problems⁷³ place special demands on social choice mechanisms due to a number of features. Ecological problems are complex, as they commonly exhibit a large number and variety of elements and interactions. They are often non-reducible, as they are not easily resolved or ameliorated through a resolution of their parts. Furthermore, they do not always remain fixed in time and/or space, and thus they may exhibit both temporal and spatial variability. Consequently such problems often result in considerable uncertainty, being unpredictable in their conditions and consequences. Environmental problems are also collective problems, as they regularly involve large numbers of actors. Dryzek states these five characteristics all appear to make human problem solving of environmental problems particularly difficult. The apparently dismal prospects that ensue are, however, partially alleviated through spontaneity - the capacity of ecosystems to cope with stresses without human intervention.⁷⁴ These six conditions are therefore the ecological circumstances in which human social choice mechanisms operate.⁷⁵

⁷³ For Dryzek, ecological problems concern 'discrepancies between ideal and actual conditions stemming from interactions between human systems and natural systems.' Dryzek, *Rational Ecology*, p.26. Just what constitutes 'ideal' conditions is of course debatable.

⁷⁴ Ibid., p.28-33.

⁷⁵ Ibid., p.33.

Dryzek introduces the concept of ecological rationality as the capacity of human and natural systems in combination to cope with problems such as these. The goal of maintaining the ecological rationality in the human-nature system is not easily accomplished however, as it competes with the more frequently applied economic, social, and political rationality.⁷⁶ Dryzek then asserts that despite being 'something of a novelty',⁷⁷ ecological rationality is a more fundamental mode of reasoning, because:

The preservation and enhancement of the material and ecological basis of society is necessary not only for the functioning of societal forms such as economically, socially, legally, and politically rational structures, but also for action in pursuit of any value in the long term. The pursuit of all such values is predicated upon the avoidance of ecological catastrophe. Hence the preservation and promotion of the integrity of the ecological and material underpinning of society – ecological rationality – should take priority over competing form of reason in collective choices with an impact upon that integrity.⁷⁸

In arguing for the primacy of ecological rationality, it is suggested that the most important ecosystem values are the 'productive, protective and waste-assimilative value of ecosystems.'⁷⁹ This amounts to an anthropocentric standard for ecological rationality, as to meet it would simply provide the conditions required for human life. Dryzek recognises other reasons for valuing the environment, however, he feels that these are relatively unhelpful when faced with competing rationalities. As he states, 'in restricting oneself to some basic human interests, one can meet competing forms

⁷⁶ Ibid., p.55-58. Indeed, the dominant economic rationality works against ecological rationality, 'if only because a system may be judged economically rational while simultaneously engaging in the wholesale destruction of nature.' Ibid., p.56. Moreover, he adopts a line of argument once employed by Lindblom, to argue that the capitalist market system severely constrains the types of environmental policies that can be developed and implemented. This is because of his belief that policies (including environmental ones) which damage or are perceived to damage business profitability, are automatically punished by the recoil of the market John Dryzek, 'Political and Ecological Communication', *Environmental Politics*, 4, No. 4 (1995): p.15.

⁷⁷ Dryzek, *Rational Ecology*, p.55.

⁷⁸ Ibid., p.58-59.

⁷⁹ For Dryzek, productive needs include such things as renewable and non-renewable resources; protective values include the stabilization of man's ambient environment through air and water cycles, while waste assimilation is simply the recycling of pollutants. Ibid., p.34-35.

of functional rationality (whether economic, social, legal, or political) on their own ground: the ground of specifically human interests.⁸⁰

According to Dryzek, an ecologically rational 'man-nature system' requires human and natural components to operate in a symbiotic relationship. That is, ecological rationality in social choice 'may be located in a capacity to produce a symbiotic problem-solving intelligence – low entropy – in conjunction with natural systems.'⁸¹ In order to assess the attainment of symbiotic order, some criteria are developed for judging the ecological rationality of social choice mechanisms,⁸² and used to determine the ecological rationality of different social choice mechanisms. Importantly, and despite its inadequacies, Dryzek argues that 'among the political mechanisms that have been tried by nations from time to time, liberal democracy is the most ecologically rational system.'⁸³ This does not however, prevent a widespread critique of liberal democracy, to which we now turn.

2.2 Two Democratic Traditions

Having outlined the nature of ecological problems, it should be restated that the nature of our social choice mechanisms have different consequences for our environment. This includes the form of liberal democracy, which many democratic theorists have come to view as comprising two variants, one being liberal, and the other participatory or deliberative.⁸⁴ For Dryzek, these forms of democracy, which can and do exist together, are best thought of as 'the two major variants on a theme of

⁸⁰ Ibid., p.35. Although some of his later work has acknowledged the possibility of including ecocentric perspectives in our defence of nature, his logic here follows Habermas's, in favouring a human centred instrumental rationality in our dealings with, and defence of nature. This point is returned to later in the chapter.

⁸¹ Ibid., p.46. For Dryzek, ecological rationality is concerned with low entropy or order in human systems as they combine with natural systems. Entropy can be understood according to the second law of thermodynamics, because 'in the absences of any external input of energy, the system will deteriorate into 'sameness.' That is, the low entropy of the system is lost.' Dryzek argues that the only absolute scarcity in the universe is low entropy or order. As a consequence, the severity of ecological problems can be ascertained by the extent to which low entropy is being depleted. Ibid., p.11-14. For a more detailed explanation of the concept of low entropy, see F Capra, *The Web of Life* (London: Harper Collins Publishers, 1996).

⁸² The criteria are negative feedback, coordination, robustness or flexibility, and resilience. Dryzek, *Rational Ecology*, p.46-54.

⁸³ Dryzek, 'Political and Ecological Communication', p.16.

⁸⁴ Dryzek, *Discursive Democracy: Politics, Policy and Political Economy*, p.119.

democratic possibilities’,⁸⁵ and thus the choice between models ‘is not...an either-or decision.’⁸⁶ Despite this, we can ascertain considerable differences in the ability of each system to resolve environmental issues. The essential elements of the two democratic traditions are illustrated in Table One, before moving on to a more detailed discussion of their alleged differences and ecological utility.

Table 1: Representative and Direct Democratic Traditions⁸⁷

	Instrumental vision	Substantive vision
<i>Image of democracy</i>	Representative democracy	Direct democracy
<i>View of democracy</i>	Democracy is a method for making decisions	Democracy is a societal ideal
<i>Image of freedom</i>	Negative image of freedom (emphasis on curtailment of power of the state apparatus via right to vote and protection of rights)	Positive image of freedom (emphasis on self-development of citizens)
<i>State and society relation</i>	The state is executive institution of citizens and is above the parties	State and society functions thanks to one another (political and social democracy are inextricably linked)
<i>Role of government</i>	Executor of citizens preferences and guarantor of rights to freedom	Active support of democratic society (creation of opportunities for participation and development)
<i>Role of citizens</i>	Passive role; emphasis on citizens as consumers (expression of preferences)	Active role; emphasis on citizen as civic subject (importance of participation in decision making)
<i>Adherents</i>	James Mill, Bentham, Schumpeter, Downs	Rousseau, Jefferson, Habermas

2.2.1 Representative democracy or polyarchy

The instrumental or ‘realist’ theory of democracy to a large extent underlies the practice of representative democracy, where democracy is viewed as an efficient

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ E Klijn, Koppenjan, J, ‘Politicians and interactive decision making: Institutional spoilsports or playmakers’, *Public Administration*, 78, No. 2 (2000): p.377.

method of decision making that protects the individual freedom of citizens. This form of democracy has its roots in Utilitarians such as Mill and Bentham, and has been more recently articulated by theorists like Schumpeter.⁸⁸ This view places considerable emphasis on the formal procedures through which representatives, who translate citizens voting preferences into policy, are elected. The central institutions of governance claim to provide equitable opportunities for citizens to shape the exercise of power, with that influence assisted by a plurality of competing parties.⁸⁹ A limitation of opportunities for citizen participation is favoured, and consequently a relatively passive role for citizens is advocated in the form of voting. This is partly due to the practical impossibility of direct democracy in large population, and the ignorance and political apathy of the majority of citizens. Such a form of democracy can be characterised by the system of government in place in many Western societies, rather than an ideal against which those systems can be measured and perhaps found wanting.⁹⁰

Dryzek essentially equates liberal representative forms of government described above, with Dahl's⁹¹ understanding of polyarchy, which he suggests is the most dominant form of democracy in contemporary society. We can see this with his assertion that while polyarchy is 'more easily recognised than defined,'⁹² it 'includes a familiar set of individual liberties, free and meaningful elections, and – crucially – the freedom to join or establish associations.'⁹³ Significantly, polyarchy describes political systems whose decision rule is one that aggregates individual preferences and works towards a mutual adjustment between partisans of different positions.⁹⁴ Thus for the prominent polyarchist Dahl, polyarchy allows citizens unimpaired opportunities:

⁸⁸ Ibid., p.376.

⁸⁹ Mason, *Environmental Democracy*, p.21.

⁹⁰ Barry Hindess. 'Representative Government and Participatory Democracy.' In *Citizenship and Democracy in a Global Era*. Edited by Andrew Vandenberg (Hampshire and London: Macmillan Press Ltd, 2000), p.38-39.

⁹¹ Dahl's polyarchy should be seen, however, to be a less elitist and more interest-based understanding of democracy than Schumpeter's representative model.

⁹² Dryzek, *Rational Ecology*, p.110.

⁹³ Ibid.

⁹⁴ Ibid., p.111.

To formulate their preferences...To signify their preferences to their fellow citizens...To have their preferences weighted equally in the conduct of the government, that is, weighted with no discrimination because of the content or source of the preference.⁹⁵

Drawing on Habermas's critique of the objectifying rationality of modern science and liberal democracy, Dryzek asserts this idea of polyarchy is the political equivalent of Karl Popper's notion of the 'open society.' For him, liberal polyarchy constitutes 'the nearest real-world approximation to a Popperian open-society, outside of course of the scientific communities on which the open society is modelled.'⁹⁶ The open society is an ideal scientific community that enables free and open speculation and criticism of ideas, leading to an 'experimenting society' and 'piecemeal social engineering.' Under such circumstances, a 'limited social scientific knowledge informs and is tested by self-conscious collective choices, (such as public policies), conceived of as experiments.'⁹⁷

Dryzek suggests that in the open society, professionals and laypersons have roles in creating and critiquing proposals for collective actions, and that public judgement is desirable even over highly technical problems. This is partly because 'bias, prejudice and sleight of hand in argument can be most effectively exposed in public discussion.'⁹⁸ The operation of the open society is founded on a belief that there be no common purpose imposed on the system, and that everyone is free to pursue his own ends, provided they do not harm the very idea of the open society. Moreover, participants can 'propose, criticize, and evaluate public actions from any viewpoint.'⁹⁹ This ability to question and evaluate mirrors the Popperian view that the people affected by actions are the best judges of the collective action required, rather than experts acting on their behalf.¹⁰⁰

⁹⁵ Robert Dahl, *Polyarchy: Participation and Opposition* (New Haven: Yale University Press, 1971), p.2. Hence the emphasis within polyarchy is on the open expression of preferences and their aggregation regardless of content, rather than emphasising and allowing for their potential transformation.

⁹⁶ Dryzek, *Rational Ecology*, p.117.

⁹⁷ *Ibid.*, p.185.

⁹⁸ *Ibid.*, p.188.

⁹⁹ *Ibid.*, p.117.

¹⁰⁰ *Ibid.*

2.2.1.1 Instrumental rationality

The open society, which ‘epitomizes good problem-solving in contemporary social choice’,¹⁰¹ would at first glance appear to achieve this aim. The problem for Dryzek, however, is that the type of reason applied in the open society ideal and liberal polyarchy is instrumental reason.¹⁰² For Habermas, instrumental reason is only one form of knowledge and action, and when applied to politics, encourages citizens to treat others as objects to be manipulated in a strategic game. Thus rational action ‘is correspondingly conceptualized as the efficient linking of actions-seen-as-means to the attainment of individual goals.’¹⁰³ Dryzek reaches similar conclusions regarding such settings, as he feels ‘phenomena are understood and problems structured through disaggregation into their component parts. Based on this disaggregation, actions are devised and effected in pursuit of essentially arbitrary ends.’¹⁰⁴ Moreover, given that reason is instrumental, ‘any other kind of practice is simply irrational, because its theoretical backing cannot be falsified.’¹⁰⁵ Therefore, contemporary conceptions of democracy which are both grounded in and reinforce instrumental rationality,¹⁰⁶ essentially treat politics as goal oriented, and involve the exchange and exercise of power. Furthermore, its consequence is to destroy ‘the more congenial, spontaneous, egalitarian, and intrinsically meaningful aspects of human association’, and leave a world where citizens become ‘calculating machines with an impoverished subjectivity and no sense of self and community.’¹⁰⁷

Instrumental rationality is further criticised as anti-democratic,¹⁰⁸ repressive of individuals, and most importantly, ineffective when confronted with complex social

¹⁰¹ Ibid., p.191. This is so particularly given its allegedly positive contribution to Dryzek’s criteria for ecological rationality, of feedback and resilience.

¹⁰² Ibid.

¹⁰³ Stephen White, *The Recent Work of Jurgen Habermas: Reason, Justice and Modernity* (Cambridge: Cambridge University Press, 1988), p.10.

¹⁰⁴ Dryzek, *Rational Ecology*, p.191.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid., p.200.

¹⁰⁷ Dryzek, *Discursive Democracy: Politics, Policy and Political Economy*, p.4-5. Dryzek states that this criticism is a familiar one, and is similar to that of Habermas, who spoke of ‘the ‘colonisation’ of the ‘lifeworld’ of culture and social interaction by the administration, ministration, influence, and control of technical expertise in the service of private profit or political power.’ Ibid., p.5. Dryzek states that these processes were once conducted by ordinary people. Ibid.

¹⁰⁸ It would appear anti-democratic, in the sense that preferences are viewed as fixed rather than discovered through discussion.

problems.¹⁰⁹ This is most significant in the context of ecological problems, because ‘the special conditions prevalent in the ecological realm...cast doubt on the adequacy of instrumental reason, and hence on the open society which raises that form of reason on a pedestal.’¹¹⁰

Numerous other questions have been raised over polyarchy’s ability to deal with ecological problems. Among these is the fact that the ideal of pluralism in polyarchy does not always occur as it should in practice, allowing some interests to achieve better access than others, often in corporatist-style arrangements.¹¹¹ This can result in policy outcomes which are ‘systematically skewed in the direction of a small number of powerful interests.’¹¹² The problem for the environment however, is that these groups tend to be large corporations, while environmental groups often struggle to gain influence.¹¹³

2.2.1.2 Self interest

Even if relatively free in terms of political debate, a polyarchical system responds primarily to the self-interested (or instrumentally rationalised) motivations of various political actors. Therefore, regardless of any tangible financial benefits, all such interests normally remain special ones, confined to a group alone. Interests general to all tend to suffer, however, as they are ‘diffuse and may be in the interests of large numbers of people, but they may be in nobody’s *special* interest.’¹¹⁴ Dryzek argues general interests such as environmental protection therefore ‘find little reflection in a system of political rationality.’¹¹⁵ This view is supported by Eckersley, who states that environmental organisations are characterised as simply another ‘sectional’ interest whose demands can be compromised with the demands of others. As a result,

¹⁰⁹ Dryzek, *Discursive Democracy: Politics, Policy and Political Economy*, p.5-6.

¹¹⁰ Dryzek, *Rational Ecology*, p.193.

¹¹¹ *Ibid.*, p.120.

¹¹² *Ibid.*, p.121.

¹¹³ *Ibid.*, p.121. Indeed, some interests may not even need to go through the motions of pluralistic or corporatist interaction. Dryzek cites the ‘un-politics’ of air pollution in United States cities in the late 1960s as an example where an environmentally damaging issue was excluded from the political agenda, through ‘unspoken deference to the political power of the industrial polluters.’ *Ibid.*, p.121.

¹¹⁴ *Ibid.*, p.122.

¹¹⁵ *Ibid.*

longer-term public interest such as a healthy environment is continually traded off against the more immediate demands of capital and occasionally, labour.¹¹⁶

Another way of conceptualising polyarchical interaction based on self-interest is that of a 'zero-sum' distributive game, in which the benefits of a decision for one group is a loss for another. Therefore, Dryzek states that while polyarchy is an excellent mechanism for distributing rewards between groups, like the open society it does not perform well when the aim is to develop coordination to achieve some common or general value.¹¹⁷ This can have negative consequences where a general interest such as environmental integrity is concerned, as given 'the whole is always the sum of its parts', then 'the fate of ecological values in a polyarchy is to be severely compromised by other values.'¹¹⁸ Dryzek goes on to say:

A liberal devotion to the multiplicity of human purposes is, under most circumstances, highly laudable. The paradox is that, unless the members of a polyarchy accept a common ecological purpose, then all other human purposes are endangered. Polyarchies are prone to disasters other than Popper's *bete noire* of sweeping vision leading to authoritarianism.¹¹⁹

2.2.1.3 Ecologically irrational self

It should be noted that Dryzek's critique of liberal polyarchy entails a familiar conception of the traditional liberal individual, for he states that Popper's 'prescriptive model of man...is uniform, atomistic, and in rational pursuit of an arbitrary set of purely subjective preferences.'¹²⁰ Some theorists have suggested this can have grave consequences for the environment. Freya Mathews for instance, argues that liberalism identifies the individual as the highest authority, and assumes that all individuals are equal, and more importantly, autonomous.¹²¹ She feels that in

¹¹⁶ Eckersley, 'Greening Liberal Democracy: The rights discourse revisited', p.214-16.

¹¹⁷ Dryzek, *Rational Ecology*, p.124.

¹¹⁸ Ibid., p.130.

¹¹⁹ Ibid. Another very significant environmental consequence of polyarchy is that the focus on short-term, specific interests, can leave them insensitive to important ecological signals. Ibid., p.123.

¹²⁰ Dryzek, *Discursive Democracy: Politics, Policy and Political Economy*, p.52.

¹²¹ Mathews, 'Community and Ecological Self', p.67.

celebrating individualism, liberal democracy provides identity to members of society. Thus:

The interests of these units are given independently of, and prior to, the interests of society; indeed, the function of society, from this point of view, is merely to facilitate the unfettered self-realisation of such individuals – to enable these individuals to pursue their conception of their own good in their own way.¹²²

Mathews contends that liberal democracy is unlikely to develop individuals with an ecocentric outlook, or one able to place the needs of humans on a par with those of non-humans. This view is at first contingent on morality in liberal democracy, where it is claimed people come together for the purpose of securing self-rule, rather than for reasons of developing personal bonds or relationships. As a consequence, there is a contractarian rather than a moral basis for democracy, as morality is couched in terms of equality and freedom.¹²³ Hence liberal democracy 'has the satisfying characteristic of appearing to be moral...without in fact requiring any moral or altruistic commitment from its members.'¹²⁴ To expect such a commitment would, in fact, violate each member's autonomy. As a result, a huge obstacle is placed in front of ecocentric politics, as the focus on human autonomy prevents granting autonomy to non-human beings. This absence of any moral or altruistic basis of democracy therefore leaves no intrinsic grounds for protecting the non-human world for its own sake.¹²⁵ This obstacle does not prevent individuals from pursuing an ecocentric conception of the good, although expressing such a general viewpoint can only be understood in terms of individual self interest. Hence a general environmental interest will not be considered any more important than any other individual or particular interest. This becomes particularly problematic given the small number of people likely to hold ecocentric views.¹²⁶

¹²² Ibid.

¹²³ Ibid., p.67-68.

¹²⁴ Ibid., p.68.

¹²⁵ Ibid., p.69. Eckersley does not seem concerned however, as she states that the representative basis of liberal democracies provide grounds for representing non-humans. Robyn Eckersley, 'The Discourse Ethic and the Problem of Representing Nature', *Environmental Politics*, 8, No. 2 (1999).

¹²⁶ Freya Mathews, 'Community and Ecological Self', p.69-70.

The nature of human identity is a second aspect which Mathews feels works against the development of an ecocentric outlook. According to Mathews, to some extent liberals arrange society to vindicate their view of human nature, through institutions that promote competition and social mobility. These institutions tend to 'instrumentalise and contractualise relations...[and] go some way towards countering the relational aspects of early (and later) identity formation.'¹²⁷ This understanding of human nature also enables the division of the world into discrete, self-contained units, making possible the treatment of mind and matter 'as separate metaphysical entities – attributes which some individuals possess and others lack.'¹²⁸ As Dryzek argues:

Instrumental rationality...invokes a Cartesian dichotomy between subject and object. The human mind is subject; all else – including the natural world, and other people – consists of objects, to be manipulated, therefore dominated, in the interests of mind's desires. Instrumental rationality is therefore abstract, estranged from nature (and society) and estranging to the extent that we subscribe to it.¹²⁹

Mathews agrees, arguing that this form of thinking permits a dualistic ranking of mind over body, and as a consequence, humanity over nature. Thus the capacity for reason gives humans their political status, and suggests that 'the whole edifice of *modern* liberalism...is raised, from the very start, on the ideological ruins of nature.'¹³⁰ This is because it is only human beings that are invested with natural rights, enabling them to transcend nature.¹³¹

To sum up, it is asserted that as a result of polyarchy's focus on interest group interaction and individual preference aggregation, such systems tends to favour special interests, while general interests such as environmental protection fare particularly badly. Underlying this is a view of human nature that is self interested

¹²⁷ Ibid., p.73.

¹²⁸ Ibid.

¹²⁹ John Dryzek, 'Green Reason: Communicative Ethics for the Biosphere', *Environmental Ethics*, 12, No. 3 (1990): p.196.

¹³⁰ Mathews, 'Community and Ecological Self', p.73.

¹³¹ Ibid. Dryzek agrees with these sentiments, as he states that the expansion of instrumental rationality 'paves the way for the destruction of that world for the sake of utility and industrialization at the hands of an arrogant humanism.' Dryzek, 'Green Reason: Communicative Ethics for the Biosphere', p.196.

and strategically or instrumentally rational, that has further negative consequences for the environment. Due to the limits of liberal polyarchy and instrumental reason, some democratic theorists argue for a different form of reason and democratic structure found in a deliberative or discursive conception of democracy.

2.2.2 Deliberative or participatory democracy

As Table 1 suggests, the traditional alternative to representative forms of government are more direct or participatory in nature. Such forms have been called substantive or radical, whereby democracy is viewed as a normative ideal that is worth striving for in its own right. Democracy is not only a formalized decision making procedure, but also a societal ideal, having value in itself.¹³² Its roots are based in the classical idea of direct democracy, which is associated with the power (kratos) of the people (demos) in ancient Greece. Thus in the poleis, there is no corresponding division between rulers and those being ruled, in the manner that modern elected representatives govern a citizen body.¹³³ The tradition of radical democracy which includes writers from Marx to John Stuart Mill, are therefore united by a view that democratic participation is an important means of self-development and self-realisation.¹³⁴ Rather than explicitly rejecting representative democracy, participatory democrats tend to suggest that it is not sufficiently democratic. They argue democrats such as Schumpeter underestimate the capacities of individuals, and the educative and transformative capabilities of public participation.¹³⁵ It is hoped, for instance, the experience of self determination will enable people to become 'other regarding' citizens, with a greater commitment to apply the principles of democracy in public life.¹³⁶ Consequently, the 'realist' opposition to the participatory ideal may be seen as either reflecting hostility towards the properly understood conception of democracy, or at a minimum, a failure of the 'political and sociological imagination.'¹³⁷

¹³² Klijn, 'Politicians and interactive decision making: Institutional spoilsports or playmakers', p.377.

¹³³ Mason, *Environmental Democracy*, p.21.

¹³⁴ Mark Warren. 'The self in discursive democracy.' In *The Cambridge Companion to Habermas*. Edited by Stephen White (Cambridge: Cambridge University Press, 1995), p.167.

¹³⁵ Hindess. 'Representative Government and Participatory Democracy', p.39.

¹³⁶ Bronwyn Hayward, 'The Greening of Participatory Democracy: A Reconsideration of Theory', *Environmental Politics*, 4, No. 4 (1995): p.217.

¹³⁷ Hindess. 'Representative Government and Participatory Democracy', p.43.

In recent decades, the classical doctrine of politics has been given great momentum through the 'linguistic turn' in political theory, and the notion of deliberative or discursive democracy.¹³⁸ As we suggested in Chapter One, deliberative democracy begins with a critique of the standard practices of liberal democracy, while its evolution started with concerns for participation, democratic citizenship, and the common good.¹³⁹ The growing literature can be seen as a response to concerns that democracy is more than merely 'counting heads', and that opportunities for discussion and the subsequent transformation of citizens preferences should be a goal of democracy.¹⁴⁰ In this regard, Jurgen Habermas must be viewed as one of the most influential theorists in rejuvenating radical understandings of democracy. For Habermas, democracy is not contained in the civic community or the popular sovereign, but in the structures of communication.¹⁴¹ As a result, he suggests that discourse¹⁴² is both a means of resolving disputes and enabling collective actions, and can be viewed as a measure and justification of democratic institutions.¹⁴³ Most importantly for this thesis, his concepts of communicative rationality, the public sphere, and the ideal speech situation have inspired theorists such as Dryzek to imagine a link between democratic structures and outcomes favourable to the environment.

¹³⁸ Frequently deliberative and discursive democracy are terms that are used interchangeably. Given some theorists have moved deliberative democracy closer to liberal democracy than its early advocates probably intended (see footnote below), Dryzek has suggested that deliberative democracy should now be seen to reflect this move. Discursive democracy on the other hand, should be seen as maintaining its link with Habermas's initial project, and describing democracy that occurs through a contestation of discourses in the public sphere. Dryzek, *Deliberative Democracy and Beyond: Liberals, Critics, Contestations*, p.2-3.

¹³⁹ Bohman, 'The Coming of Age of Deliberative Democracy', p.400. More recently however, concerns with the feasibility of its more participatory incarnations have seen some theorists take it back to the very institutions they initially rejected as impossible locations for public reasoning. Ibid. Indeed, Habermas has been recently chided by Dryzek for assisting in the assimilation of deliberative democracy with liberal constitutionalism, with the publication of *Between Facts and Norms*. John Dryzek, 'Discursive democracy vs. liberal constitutionalism.' In *Democratic Innovation: Deliberation, Representation and Association*. Edited by Michael Saward (London: Routledge, 2000), p.82.

¹⁴⁰ Saward, 'Democratic Innovation', p.5.

¹⁴¹ Gerard Delanty, *Social Theory in a Changing World: Conceptions of Modernity* (Cambridge: Polity Press, 1999), p.75.

¹⁴² The term discourse can be seen as a form of communication that is oriented towards reaching common understanding. Habermas therefore only uses the term 'when the meaning of the problematic validity claim conceptually forces participants to suppose that a rationally motivated agreement could in principle be achieved.' Habermas, *The Theory of Communicative Action, Volume 1. Reason and the Rationalisation of Society*, p.42. Discourse is linked to Habermas's concept of communicative rationality, which is described below.

¹⁴³ Warren, 'The self in discursive democracy', p.167.

2.2.2.1 Communicative rationality

Rather than apply the instrumental rationality of liberal polyarchy, the ideal of discursive or deliberative democracy would encourage 'practical' reason, pertaining to questions of social norms and ethical practices.¹⁴⁴ For Habermas, the selfish, objectifying and ultimately oppressive nature of instrumental rationality needs to be replaced with a more comprehensive form of reason which is evident in everyday speech. The core of his innovation was to show that language allows us to reach understanding, and is the central capacity that binds individuals together.¹⁴⁵ He argues that speech acts serve four main functions, and relate information regarding the objective, intersubjective, and subjective domains. Thus he delineates four types of speech acts, (and hence we get the term communicative action, as they relate to what people do in speech).¹⁴⁶ The first type of speech act are called *communicatives* (to say, to ask), which make validity claims to their comprehensibility or intelligibility, and are located in language. The second type of speech act are *representatives* (to admit, conceal), as they manifest subjective experiences and relate to a speaker's sincerity. The third type are called *regulatives* (to order, prohibit), which claim normative rightness through appeals to legitimate interpersonal or intersubjective relations. The final type of speech act refer to the objective world and are known as *constatives* (to assert, to describe), and relate to the representation of facts.¹⁴⁷ Habermas's understanding of communicative action or rationality, through his study of 'universal pragmatics', is demonstrated in Table Two.

¹⁴⁴ John Rundell. 'Jurgen Habermas.' In *Social Theory: A Guide to Central Thinkers*. Edited by Peter Beilharz (North Sydney: Allen and Unwin, 1992), p.134. For Dryzek, this term is often associated with Aristotle, and is said to move social choice towards 'the collective cultivation of virtuous behaviour, rather than the administration or manipulation of people and things.' Dryzek, *Rational Ecology*, p.200. While this form of reason is part of a tradition including philosophers such as Arendt, Gadamer and MacIntyre, he claims that practical reason is most commonly associated with critical theory. Dryzek, *Discursive Democracy: Politics, Policy and Political Economy*, p.14.

¹⁴⁵ Michael Pusey, *Jurgen Habermas* (Sussex: Ellis Horwood Ltd, 1987), p.70-79.

¹⁴⁶ Thomas Webler. "'Right' Discourse in Citizen Participation: An Evaluative Yardstick.' In *Fairness and Competence in Citizen Participation: Evaluating Models for Environmental Discourse*. Edited by Ortwin Renn, Webler, Thomas, Wiedemann, Peter (Dordrecht: Kluwer Academic Publishers, 1995), p.43.

¹⁴⁷ John Thompson. 'Universal Pragmatics.' In *Habermas: Critical Debates*. Edited by John Thompson, David Held (London: Macmillan Press, 1982), p.123. Webler. "'Right' Discourse in Citizen Participation: An Evaluative Yardstick', p.43.

Table 2 – Dimensions of Habermas’s Communications Model¹⁴⁸

Domains of reality	Modes of communication	Types of speech-act	Themes	Validity-claims	General functions of speech
'The' world of external nature	Cognitive: objectivating attitude	Constantives	Propositional content	Truth	Representation of facts
'Our' world of society	Interactive: conformative attitude	Regulatives	Interpersonal relation	Correctness	Establishment of legitimate social relations
'My' world of internal nature	Expressive: expressive attitude	Representatives	Speaker's intention	Sincerity	Disclosure of speaker's subjectivity
Language	-	Communicatives	-	Intelligibility	-

A number of important points can be made regarding Habermas’s concept of communicative rationality. Firstly, speech acts serve to illuminate all domains of reality, and not only demonstrate the social core of the human species, but more importantly, show that the most comprehensive and rational form of action is that which is oriented towards reaching an agreement across the objective, subjective and intersubjective dimensions. For Habermas, language that is used in its ‘original mode’ and is communicatively rational, is thus oriented towards reaching an understanding. Moreover, unlike instrumental or strategic rationality, communicative rationality is consequently co-ordinated through the co-operative achievements of understanding among participants, rather than egocentric calculations of success on behalf of each participant.¹⁴⁹

¹⁴⁸ Thompson. 'Universal Pragmatics', p.123.
¹⁴⁹ Joan Alway, *Critical Theory and Political Possibilities: Conceptions of Emancipatory Politics in the Works of Horkheimer, Adorno, Marcuse and Habermas* (Westport: Greenwood Press, 1995), p.105. Habermas refers to this shift in discourse as the ‘communicative rationalization’ of the ‘lifeworld’ of social interaction. For Dryzek, the lifeworld is where individuals ‘construct and interpret their personalities, culture, morality, and aesthetic sensibilities’, while ‘a communicatively rationalised life world would reflect standards of discourse similar to those of the ideal speech situation.’ John Dryzek, 'Discursive Designs: Critical Theory and Political Institutions', *American Journal of Political Science*, 31, No. 3 (1987): p.661. In contrast, instrumental rationality is apparent in the idea of a social system, in which all structures, actions and practices have an instrumental function. Ibid., p.671. The competition between instrumental rationality (or critical rationalism) and critical theory therefore, reflects the larger struggle between system and lifeworld. Dryzek states that some critical theorists such as Horkheimer and Adorno have accepted the triumph of instrumental rationality associated with modernity, and consequently ‘the life world can expect only invasion or colonization by money or power.’ Ibid., p.673. Habermas, however, has a more optimistic view, suggesting that actions to assert the autonomy of the life world are possible. Ibid., p.672-73.

Within communicative action therefore, there are certain unavoidable presuppositions. The first of comprehensibility, is assumed for any competent speaker. The second is sincerity, and can only be redeemed in the future through the speakers' actions. The central point however, is that claims to both truth (about 'the world') and normative rightness (or 'our world') are discursively redeemable, or may be 'tested' through discussion. The fact that they may be discursively redeemed forms the rational foundation for communication. Habermas asserts:

The idea of rational speech...is first found not in the general structures of discourse, but in the fundamental structures of linguistic action...Anyone who acts with an orientation toward reaching an understanding, since he unavoidably raises truth and rightness claims, must have implicitly recognized that this action points to argumentation as the only way of continuing consensual action in case naively raised and factually recognized validity claims become problematic. As soon as we make explicit the meaning of discursively redeemable validity claims, we become aware that we must presuppose the possibility of argumentation in consensual action.¹⁵⁰

It can be seen then, that 'cognitive veracity depends on intersubjective validity',¹⁵¹ and consequently, that we are always motivated towards consensus in speech. While some critics have mistakenly equated this to political consensus, Habermas is in fact suggesting a cognitive consensus. That is, we aim at understanding one another as a condition of argumentation regarding a specific fact or norm, because without this we would have no basis for arguing at all. Therefore, the motivation towards consensus is manifested in the participants desire for their validity claims to have an impact, or be taken seriously.¹⁵²

The desire to achieve understanding through communicative rationality does not however, ensure that there will be agreement on norms. As Dryzek asserts, even following substantial discussion and reflection participants may continue to disagree,

¹⁵⁰ Alway, *Critical Theory and Political Possibilities: Conceptions of Emancipatory Politics in the Works of Horkheimer, Adorno, Marcuse and Habermas*, p.106.

¹⁵¹ Warren. 'The self in discursive democracy', p.180.

¹⁵² Ibid.

due to different life experiences, or ‘incompatible conceptions of human nature.’¹⁵³ However, following this logic, ‘consensus rooted in reasoned *disagreement* is still possible’,¹⁵⁴ and can still be described as rational. Indeed, participants may even agree on how they should act, without reaching total agreement regarding the why. What is important is the comprehension of why there is disagreement, and that it is not different particular interests that persist, but different conceptions of generalisable interests.¹⁵⁵

2.2.2.2 The ideal speech situation

Habermas asserts that the inherent features of speech ensure that participants have to presuppose that their communication excludes all force, except that of better argument.¹⁵⁶ In doing so, participants are anticipating the possibility of what he calls an ideal speech situation,¹⁵⁷ although as Blaug and others have argued, usually this ideal is raised counterfactually, and we do not often meet it in practice.¹⁵⁸ His initial formulation of the ideal speech situation entailed the following conditions:

1. All potential participants of a discourse must have the same chance to employ communicative speech acts.
2. All discourse participants must have the same chance to interpret, claim or assert, recommend, explain, and put forth justifications; and problematize, justify, or refute any validity claim.
3. The only speakers permitted in the discourse are those who have the same chance to employ representative speech acts.

¹⁵³ Dryzek, *Rational Ecology*, p.203.

¹⁵⁴ Ibid.

¹⁵⁵ Ibid.

¹⁵⁶ Habermas, *The Theory of Communicative Action, Volume 1. Reason and the Rationalisation of Society*, p.25.

¹⁵⁷ Alway, *Critical Theory and Political Possibilities: Conceptions of Emancipatory Politics in the Works of Horkheimer, Adorno, Marcuse and Habermas*, p.106.

¹⁵⁸ Blaug, *Democracy Real and Ideal: Discourse Ethics and Radical Politics*, p.44. Indeed, Habermas once agreed with Wellmer that the ideal speech situation is a ‘dialectical illusion’, albeit a necessity for imagining an emancipated social life. Larry Ray, *Rethinking Critical Theory. Emancipation in the Age of Global Social Movements* (London: Sage, 1993), p.28.

4. The only speakers permitted in the discourse are those who have the same chance to employ regulative speech acts.¹⁵⁹

The conditions for the ideal speech situation can be thought of as 'rules for discourse', as participants who conduct their speech in such a manner will produce a rationally motivated agreement or at least understanding, (as opposed to one emanating from manipulation and coercion).¹⁶⁰ The ideal speech situation therefore, is the intention and image of the good life that communicative action both assumes and points to. It involves a co-operative search for truth, and is compelled only by the force of a better argument.¹⁶¹ The essential reason for this is the public nature of arguments, which 'must survive the test of discursive scrutiny.'¹⁶² Communicatively rational social choice mechanism are also expected to encourage people to alter their preferences towards generalisable rather than particular interests,¹⁶³ or for Habermas, towards 'needs that can be communicatively shared.'¹⁶⁴ This is because interests which are general to all participants are likely to be more persuasive than those particular to one or only a few parties.¹⁶⁵ This requires that participants must be prepared to apply a proposed norm equally to themselves as to others, and consistently apply it in interpersonal situations when the roles are reversed.¹⁶⁶ If this is the case, then there is greater likelihood of recognising general interests such as environmental protection, from divergent positions. Thus:

To the extent that participants in interactions are committed to the principles of communicative rationality, and so renounce strategy, deception, distortion, and

¹⁵⁹ Webler, '"Right" Discourse in Citizen Participation: An Evaluative Yardstick', p.46.

¹⁶⁰ Ibid.

¹⁶¹ Alway, *Critical Theory and Political Possibilities: Conceptions of Emancipatory Politics in the Works of Horkheimer, Adorno, Marcuse and Habermas*, p.106.

¹⁶² John Dryzek, 'Ecology and Discursive Democracy: Beyond Liberal Capitalism and the Administrative State', *CNS*, 3, No. 2 (1992): p.40.

¹⁶³ For Dryzek, generalizability refers to the 'kinds of values and interests which will surface in discursive interaction.' Ibid.

¹⁶⁴ Pusey, *Jurgen Habermas*, p.119.

¹⁶⁵ Dryzek, 'Ecology and Discursive Democracy: Beyond Liberal Capitalism and the Administrative State', p.40.

¹⁶⁶ White, *The Recent Work of Jurgen Habermas: Reason, Justice and Modernity*, p.53.

manipulation, then the possibility of felicitous understanding across individuals who represent the diverse facets of complex problems becomes conceivable.¹⁶⁷

Rather than the individual preference aggregation of polyarchy and instrumental rationality, communicative rationality therefore forms the basis of a discursive democracy 'in which preferences are not taken as given or immutable and in which individual needs and public interests alike can be discovered and debated.'¹⁶⁸

2.2.2.3 A measure of democratic legitimacy

Despite its original focus as a moral philosophy, Habermas has always implied that his discourse ethics contains or leads to a theory of democratic legitimacy.¹⁶⁹ As Blaug argues, Habermas in particular, has demonstrated the normative requirement that political decisions involve practical discourse, and attempted to describe the conditions under which such a discourse is rational.¹⁷⁰ The aim is to promote enlightened understanding, both at the individual level (in terms of the citizen's level of awareness, competence and confidence) and the system level (through enhanced legitimacy of decisions).¹⁷¹ Habermas therefore tackles three dimensions of democratic legitimacy, that include claims about who is to be involved, the manner of their involvement, and its location.¹⁷²

¹⁶⁷ Dryzek, 'Ecology and Discursive Democracy: Beyond Liberal Capitalism and the Administrative State', p.39.

¹⁶⁸ John Dryzek, *Democracy in Capitalist Times: Ideals, Limits, Struggles* (Oxford: Oxford University Press, 1996), p.146.

¹⁶⁹ Indeed, the strength of deliberative conceptions of democracy have increasingly been viewed in this light, with theorists other than Habermas proposing that deliberative procedures may be used as a measure of democratic legitimacy. Simone Chambers, 'Discourse and democratic practices.' In *The Cambridge Companion to Habermas*. Edited by Stephen White (Cambridge: Cambridge University Press, 1995), p.233.

¹⁷⁰ Blaug, *Democracy Real and Ideal: Discourse Ethics and Radical Politics*, p.41.

¹⁷¹ Michael Saward, 'Direct and Deliberative Democracy' (Paper presented at the ECPR Joint Session, Workshop on Democracy from Below, Copenhagen, 2000), p.18.

¹⁷² Blaug, *Democracy Real and Ideal: Discourse Ethics and Radical Politics*, p.41.

2.2.2.3.1 Who needs to be involved?

As suggested in Dryzek's short description of the ideal speech situation, Habermas calls for a practical discourse involving all those affected by a decision. Blaug argues that where this cannot be achieved, the normative theory reverts to the more realistic requirement that the maximum possible number of those affected should be involved, while those not able to directly participate should have input through representative or advocacy structures. The real effect of such a rule, however, is to simply suggest that as with almost any democratic theorist, democracy for Habermas is normatively superior to any other political order.¹⁷³

2.2.2.3.2 How should democracy proceed?

The 'how' of democratic legitimacy is found in the methodological proceduralism of the ideal speech situation. As suggested above, Habermas has reconstructed from the presuppositions of argumentation, an ideal procedure that expresses the normative underpinnings of democracy. There are two implications that arise for the design and evaluation of democratic institutions. The first is that such institutions should encourage the use of communicative rationality, while the second suggests that the legitimacy of democratic institutions may be found in the degree to which their procedures approximate the ideal.¹⁷⁴ Thus it is best considered as a procedural standard that can be used to evaluate actual social arrangements.¹⁷⁵ It is this provision of a procedural standard that separates Habermas's thinking from most other theories of discursive democracy.¹⁷⁶

The pragmatic rules embodied in Habermas's notion of the ideal speech situation have been variously defined by both Habermas himself, and others who have chosen to employ his discourse ethics to describe fair procedures for discourse. Following consideration of the original intent of Habermas's ideal speech situation, Webler

¹⁷³ Ibid., p.42.

¹⁷⁴ Ibid., p.43.

¹⁷⁵ Dryzek, *Rational Ecology*, p.202.

¹⁷⁶ Blaug, *Democracy Real and Ideal: Discourse Ethics and Radical Politics*, p.43. One exception to this is Cohen. 'Deliberation and Democratic Legitimacy.'

argues that as an evaluative yardstick for fair public participation, the ideal speech situation may be defined as having four primary elements. These may be summarised as:

1. Anyone who considers him or herself to be potentially affected by the results of the discourse must have an equal opportunity to attend the discourse and participate.
2. Every discourse participant must have an equal opportunity to make validity claims.
3. Every discourse participant must have an equal opportunity to challenge the validity claims made by others.
4. Every discourse participant must have an equal opportunity to influence the choice of how the final determination of validity will be made and to determine discourse closure (i.e., to decide how to decide when there is no consensus).¹⁷⁷

It can be seen then, that the first three rules for fair democratic deliberation will allow any citizen to attend, make a validity claim, and challenge the validity claims of others. Regarding the fourth rule, two issues are particularly pertinent. The first is the point at which discussion should cease. Despite Habermas's initial formulations of the ideal speech situation suggesting that discourse should continue until a rational consensus had been reached, in the real world various constraints prevent this from occurring. Thus we find that it is 'with growing clarity', that Habermas suggests that the end point for approval of a discourse is identifiable by the participants themselves, 'who alone can assess the temporal, motivational, and cognitive constraints they

¹⁷⁷ Webler. "'Right" Discourse in Citizen Participation: An Evaluative Yardstick', p.51. As Webler notes, there remain differences of opinion about precisely what the conditions for the ideal speech situation entail, and what status these conditions should have Ibid., p.46. Other concrete outlines of the ideal speech situation for instance, may be found in Seyla Benhabib, *Critique, Norm, and Utopia: A Study of the Foundations of Critical Theory* (New York: Columbia University Press, 1986), p.285; and White, *The Recent Work of Jurgen Habermas: Reason, Justice and Modernity*, p.56. A simplification of Webler's conditions were favoured in this instance, to make their application both relatively uncomplicated, and to enable a focus on real deliberation within this thesis, and its utility for environmental decision making. For a more complex application of Habermasian theory to evaluate real deliberative models for environmental policy making, see Renn, ed. *Fairness and Competence in Citizen Participation*.

face.’¹⁷⁸ Secondly, although there have been numerous approximations suggested to the ideal deliberative procedure in the form of autonomous public spheres (see below), Habermas suggests the institutional design be determined by the citizens themselves in a specific social context.¹⁷⁹ For these reasons, it can be argued that Webler’s addition of rule number four, which encourages citizen input into both decision procedures and democratic structure, is sensible and within Habermas’s general understanding of procedural fairness. These four rules will be used to both justify and assess the deliberative nature of two case studies in Chapters Six and Seven.

2.2.2.3.3 Where should legitimacy be gained?

As suggested above, communicative rationality involves the public use of reason, and the ‘institutionalisation of practice of rational public debate.’¹⁸⁰ For Habermas, such debate occurs in the public sphere, or within a:

...realm of our social life in which something approaching public opinion can be formed...A portion of the public sphere comes into being in every conversation in which private individuals assemble to form a public body...Citizens behave as a public body when they confer in an unrestricted fashion...about matters of general interest.¹⁸¹

The term was originally used by Habermas, to describe the early bourgeois European public sphere that flourished in the seventeenth and eighteenth century, and which operated in opposition to the feudal state from which the bourgeois were excluded. This public sphere consisted ‘of conversations in meeting places (including informal

¹⁷⁸ Blaug, *Democracy Real and Ideal: Discourse Ethics and Radical Politics*, p.44.

¹⁷⁹ Mason, *Environmental Democracy*, p.55. For Habermas, this requirement is needed because every attempt to write programs or structures pre-empts the communicative interaction, which is the only source of the rationally motivated agreement. Pusey, *Jurgen Habermas*, p.120. Thus it is not for the theorist to preselect a specific organisational structure, as this would amount to ‘designing a way of life for the participants.’ In a strict sense then, his theory is deliberately indeterminate when it comes to questions of institutional design. Blaug, *Democracy Real and Ideal: Discourse Ethics and Radical Politics*, p.45.

¹⁸⁰ *Ibid.*, p.50.

¹⁸¹ *Ibid.*, p.51.

ones such as coffee houses), debates in newspapers, and political association.¹⁸² In more modern times, the public sphere may be located in 'the space between the state and civil society',¹⁸³ or wherever citizens participate in a discursive search for understanding. Thus it may include discourse in a coffee shop, constitutional convention, or within a new social movement.¹⁸⁴ Importantly, this lack of detail regarding institutional designs is for Habermas, a deliberate recognition of the limits of his theory. This is because he feels such details may pre-empt the communicative interaction, which is the only source of the rationally motivated agreement.¹⁸⁵ In a strict sense then, his theory is deliberately indeterminate when it comes to questions of institutional design.¹⁸⁶ For some critics of deliberative democracy, this failure to provide details of a preferred forum for democracy is, however, a major flaw and source of frustration with the literature.¹⁸⁷ Even one of its most ardent supporters in Dryzek admits this difficulty, when he suggests that if applied literally, Habermas' ideal speech situation leaves us with a 'political theory that has little to say about political structure – except to condemn it as an agent for distortion.'¹⁸⁸

Despite this obvious reluctance to discuss institutional design, it could be argued that deliberative theory and Habermasian notions of communicative rationality lend themselves to small participatory structures that supplement representative ones. It is perhaps for these reasons, that we find that some deliberative theorists have taken the

¹⁸² Dryzek, *Deliberative Democracy and Beyond: Liberals, Critics, Contestations*, p.22.

¹⁸³ Blaug, *Democracy Real and Ideal: Discourse Ethics and Radical Politics*, p.51.

¹⁸⁴ Ibid.

¹⁸⁵ Pusey, *Jurgen Habermas*, p.120.

¹⁸⁶ Blaug, *Democracy Real and Ideal: Discourse Ethics and Radical Politics*, p.45. It is perhaps for this reason, that some deliberative democrats assert that what is required is simply 'more' democracy, rather than discussing concrete institutional proposals. Ibid. Other theorists have interpreted the siting of deliberative democracy in a different light. Dryzek points out that Rawls for instance, now recognises that a 'well ordered constitutional democracy' should also be understood as a deliberative democracy. Dryzek, *Deliberative Democracy and Beyond: Liberals, Critics, Contestations*, p.14. Habermas announced his acceptance of liberal constitutionalism as the site for deliberation in *Between Facts and Norms*, something which Dryzek suggests Habermas justifies in part, given 'face-to-face direct democracy is no longer a possibility.' Dryzek. 'Discursive democracy vs. liberal constitutionalism', p.82. Dryzek however, has maintained his stance that the public sphere (which presumably could contain participatory models), should be the proper location for discursive democracy. Dryzek, *Deliberative Democracy and Beyond: Liberals, Critics, Contestations*.

¹⁸⁷ For instance, Femia has noted that there is considerable vagueness about institutional design, as details 'about their preferred form (or forms) of democracy would actually work are few and far between.' Joseph Femia, 'Complexity and Deliberative Democracy', *Inquiry*, 39 (1996): p.392. Another example of this is Cohen's frequently quoted article, that describes five conditions for democratic deliberation, without giving much indication of their siting, beyond publicly funded political parties. Cohen. 'Deliberation and Democratic Legitimacy.'

¹⁸⁸ Dryzek, *Deliberative Democracy and Beyond: Liberals, Critics, Contestations*, p.24.

'where' of deliberative democracy in this direction,¹⁸⁹ and suggested numerous small group structures that approximate the deliberative ideal. Dryzek for instance, concedes that real world approximations may be seen in the form of mediation and regulatory negotiation,¹⁹⁰ both of which involve small groups of people in resolving disputes. Saward suggests that citizen juries, consensus conferences, and deliberative polls constitute deliberative forums with a well defined structure,¹⁹¹ while for Renn, Webler and Wiedemann, citizen advisory committees, citizen panels and negotiated rule making are among their real life approximations.¹⁹² Importantly, these structures are additions to, rather than replacements of, existing representative institutions. Thus Saward is justified in his assessment that deliberative forms are not generally seen as replacements of existing representative structures, and in his belief that their advocates do not frequently make such claims. The use of deliberative designs:

...does not lessen the inevitability of, and the democratic need for, the enduring and institutionalised formal, structural elements of a constituted democratic polity. It may well modify the concerns, perceived legitimacy, responsiveness and so on of the state – and in those senses be crucial to the vitality of democracy.¹⁹³

Similarly Habermas gives some indication of the need for representative institutions when he notes that 'discourses do not govern', as for them to do so would require an unacceptable loss of efficiency. Thus he talks of the role of the public sphere as

¹⁸⁹ Others have interpreted the siting of deliberative democracy in a different light. Rawls for instance, now recognises that a 'well ordered constitutional democracy is understood also as a deliberative democracy.' John Rawls, 'The idea of public reason revisited', *University of Chicago Law Review*, 94 (1997): p.771-72. Habermas announced his acceptance of liberal constitutionalism as the site for deliberation in *Between Facts and Norms*, something which Dryzek suggests Habermas justifies given 'face-to-face direct democracy is no longer a possibility.' Dryzek, 'Discursive democracy vs. liberal constitutionalism', p.82. Dryzek, however, has maintained his stance that the public sphere should be the proper location for discursive democracy. For a justification of this position and a further articulation of these debates, see Dryzek, *Deliberative Democracy and Beyond: Liberals, Critics, Contestations*.

¹⁹⁰ For more on these designs, see Dryzek, *Discursive Democracy: Politics, Policy and Political Economy*, p.45-48.

¹⁹¹ Saward, 'Direct and Deliberative Democracy', p.15.

¹⁹² For the details of these designs and others, see Ortwin Renn, Webler, Thomas, Wiedemann, Peter. 'A Need for Discourse on Citizen Participation.' In *Fairness and Competence in Citizen Participation: Evaluating Models for Environmental Discourse*. Edited by Ortwin Renn, Thomas Webler, Peter Wiedemann (Dordrecht: Kluwer Academic Publishers, 1995).

¹⁹³ Saward, 'Direct and Deliberative Democracy', p.16.

influencing or pressuring the state by calling it to account.¹⁹⁴ Others such as Barry have suggested that green democracy implies that 'representative institutions will be supplemented by participatory democracy', and that 'a green conception of participatory democracy is compatible with, and indeed politically will rely upon, extending and adapting traditional democratic institutions.'¹⁹⁵ It can be argued therefore, that at least one interpretation of the deliberative ideal should be seen to involve small groups of citizens, whose role is to inform, pressure and further legitimise existing representative institutions, through formal participatory structures. This interpretation of deliberative democracy will be used in this thesis, and justifies an analysis of such structures through two case studies in Chapters Six and Seven.

2.2.2.4 Solidarity and the human self

It should be noted that in order for the procedural rules of Habermas's discourse ethics to be achieved, a form of 'solidarity' must be cultivated between the participants. Solidarity expresses a concern for the integrity of shared life context, which includes the particular community in which one is situated.¹⁹⁶ It is only with a degree of solidarity and impartiality that people will be able to accept interests that are acceptable to all. Thus Habermas has stated that in a rational discourse approaching the ideal speech situation, not only is everyone required to take the perspective of everyone else, but from this process should emerge 'an ideally extended we-perspective from which all can test in common whether they wish to make a controversial norm the basis of their shared practice.'¹⁹⁷

What then, should engender a form of solidarity? The answer it seems, is in Habermas's understanding of the subject. As his notion of communicative rationality suggests, what is vital in the way we know is the idea of intersubjective

¹⁹⁴ Blaug, *Democracy Real and Ideal: Discourse Ethics and Radical Politics*, p.52.

¹⁹⁵ John Barry. 'Sustainability, Political Judgement and Citizenship.' In *Democracy and Green Political Thought: Sustainability, Rights and Citizenship*. Edited by Brian Doherty, Marius deGues (London: Routledge, 1996), p.120.

¹⁹⁶ See Jurgen Habermas, *Moral Consciousness and Communicative Action*, translated by Christian Lenhardt, Shierry Weber Nicholsen (Cambridge: MIT Press, 1990).

¹⁹⁷ Jurgen Habermas, 'Reconciliation through the public use of reason. Remarks on John Rawls's political liberalism', *Journal of Philosophy*, XCII, No. 3 (1995): p.117-18.

understanding. The human subject is not the pre-eminent, objective and solitary subject of liberalism, but an inter-subjective subject in a communicative relationship with other actors.¹⁹⁸ As we saw above, Habermas believes speech provides a motivational force towards the resolution of conflict, due to the general importance of shared understandings in social life. Thus we are constantly moved towards consensus when we speak, simply because claims to validity in language are pragmatically embodied in the relations to the world through which we reproduce ourselves.¹⁹⁹ Autonomy is thus understood in dialogic terms, and:

...no longer means self-legislation as in Kant, self-actualisation as with Hegel or Marx, or mimesis as with Adorno and Horkheimer, but the cognitive competence to adopt a universalist standpoint and the interactive competence to act on such a basis.²⁰⁰

Participation is therefore a means for realising one's own autonomy, as it may develop individuals' capacities for practical reasoning, as well as leading to the kind of mutual respect that is entailed in the very possibility of discourse. Of course, it is precisely these capacities and dispositions that deliberative democracy needs to work well, and which will enable participants to change their views in light of a better argument.²⁰¹

Habermas has attempted to avoid an explicitly communitarian understanding of the self, by pointing out that it is through language and its ability to improve cognitive processes that we are drawn together, rather than civic virtue and community.²⁰²

¹⁹⁸ Alway, *Critical Theory and Political Possibilities: Conceptions of Emancipatory Politics in the Works of Horkheimer, Adorno, Marcuse and Habermas*, p.107.

¹⁹⁹ Mark Warren, 'Democratic Theory and Self-Transformation', *American Political Science Review*, 86, No. 1 (1992): p.220. His defence of this position was provided by linguists such as Chomsky, who argued that as humans, we have a 'biological template' that allows us all to communicate verbally. The ability of children to quickly learn language while infants when they still have little outside experience or frame of reference to base their understanding, leads him to believe that not only the capacity for language, but a fundamental grammar is innate from birth. David Cogswell, *Chomsky for Beginners* (London: Writers and Readers Limited, 1996), p.45-55.

²⁰⁰ Blaug, *Democracy Real and Ideal: Discourse Ethics and Radical Politics*, p.7.

²⁰¹ Warren, 'The self in discursive democracy', p.127.

²⁰² Simone Chambers, 'Discourse and democratic practices.' In *Ibid.*, p.246-47. Rather than view human identity as coming prior to socialisation as traditional liberals assume, communitarians deny its existence and instead argue for a 'situated' self, which is constituted through community and the institutions of society. Communitarians therefore believe that the liberal view of the self is false, as it ignores the fact that the self is embedded or situated in existing social practices that we cannot always

Despite this, his emphasis on the intersubjective nature of knowledge creation, and the need for (or anticipation of) solidarity in discourse, appears to lead to an understanding of the self that is perilously close.²⁰³ Following Habermas's logic as Dryzek does in his earlier work, it seems discourse would allow us to see that there is rationality in maintaining a healthy environment, simply in terms of human survival. Some commentators, however, argue that the mutual respect gained in deliberation would enable the development of 'ecological citizens', as people would develop both the cognitive and moral tools to consider both human and non-human others.²⁰⁴ Mathews for instance, asserts we will develop enlarged sympathies following deliberation and involvement with those in our local community. Rather than the domination of the individual or 'separate' self that can be seen in liberal democracy, she suggests that a form of human identity based on the relational or embedded self would provide a far superior ontology for the development of an ecocentric polity. This could conceivably be enhanced in a deliberative setting, as:

...a society in which individual identity was constituted through relations with others would be one in which self-realisation would be achieved through reciprocity and interdependence rather than through autonomy. Co-operation and communion rather than competition and conflict would be the fundamental principle of such a society. This principle suggests the idea of *community*, for it is in small, face-to-face communities that people can achieve genuine interconnectedness through sustained experiences of mutuality and reciprocity.²⁰⁵

The logical connection for Mathews is then made to the environment, as she feels developing relational selves capable of empathy increases the possibility of people relating to others in the natural world.²⁰⁶ Views regarding the inherent sociability of

stand back from and ignore. Will Kymlicka, *Contemporary Political Philosophy: An Introduction* (Oxford: Clarendon Press, 1990), p.207.

²⁰³ For instance, Habermas has suggested that a socially adequate personality system is based on developing the knowledge, moral motivations, and interaction capabilities, to ensure that the self is in harmony with the social order. Brulle, *Agency, Democracy and Nature: The U.S. Environmental Movement from a Critical Theory Perspective*, p.63.

²⁰⁴ Ibid., p.64.

²⁰⁵ Mathews, 'Community and Ecological Self', p.76.

²⁰⁶ Dryzek, *Discursive Democracy: Politics, Policy and Political Economy*, p.79.

humans are of course debatable, and are briefly discussed and criticised in Chapter Three.

2.3 Three Implications for Environmental Decision Making

We can see then, that Habermas's understanding of deliberative or discursive democracy envisions the notion of an ideal speech situation, and involves the use of communicative rationality. Moreover, discourse ethics provide a procedural standard from which to criticise actual deliberative arrangements, and may be used as a measure of democratic legitimacy. It can be argued that there are three primary benefits for the natural environment if our democratic arrangements move towards ideal speech principles.

2.3.1 Informing policy processes

The first primary benefit of deliberative designs is their ability to provide greater 'sensitivity to feedback signals',²⁰⁷ through greater sources of information. This is because their essential condition of 'extensive competent participation means that a wide variety of voices can be raised on behalf of a wide variety of concerns.'²⁰⁸ The information provided should not only relate to people's preferences, but may also be more specific, and relate to local knowledge.²⁰⁹ Thus deliberative arrangements may be 'additively valuable', in that people may think of information that a single individual may not have, or 'multiplicatively' valuable, enabling creative solutions to be found through discussion and reflection.²¹⁰ Deliberative arrangements should

²⁰⁷ Dryzek, 'Ecology and Discursive Democracy: Beyond Liberal Capitalism and the Administrative State', p.39.

²⁰⁸ Ibid.

²⁰⁹ Yvonne Rydin, Pennington, Mark, 'Environmental Planning: the collective action problem and the potential of social capital', *Local Environment*, 5, No. 2 (2000): p.155.

²¹⁰ James Fearon. 'Deliberation as Discussion.' In *Deliberative Democracy*. Edited by John Elster (Cambridge: Cambridge University Press, 1998), p.50.

therefore, enable new positions and understandings to emerge, leading to new solutions and better decision making.²¹¹

2.3.2 Favouring general interests

The second, and perhaps most fundamental utility of deliberative arrangements, are their potential to favour general rather than particular interests. A limit to theory is reached by Habermas in his reluctance to give examples of generalisable interests, as he feels these may only be decided by the participants in an actual debate.²¹² While Dryzek acknowledges such considerations, this does not prevent him from stating that the 'continuing integrity of ecological systems upon which human life depends could perhaps be a generalisable interest par excellence.'²¹³ The fact that Dryzek initially favours an anthropocentric standard for his notion of ecological rationality should not be seen to eliminate the possibility that there may be other (ecocentric or intrinsic) reasons for humans to value the environment.²¹⁴ Thus we could expect that to the extent democratic arrangements meet Habermas's ideal speech situation, arguments supporting the preservation of the life-supporting capacity of natural systems, be they anthropocentric or ecocentric, should prevail. This move towards generalisable rather than particular interests, and the public nature of deliberation, also implies an argument regarding political education, as people will become more aware of the issues being discussed, and the interests and views of others.

²¹¹ John Meadowcroft, 'Community Politics, Representation and the Limits of Deliberative Democracy', *Local Government Studies*, 27, No. 3 (2001): p.27.

²¹² Blaug, *Democracy Real and Ideal: Discourse Ethics and Radical Politics*, p.30.

²¹³ Dryzek, *Discursive Democracy: Politics, Policy and Political Economy*, p.55.

²¹⁴ This anthropocentric standard has been criticised by Eckersley, as it raises the possibility that by favouring human generalised interests, non-human species that have no use to humans will be rendered dispensable. Robyn Eckersley, 'Liberal Democracy and the Rights of Nature: The Struggle for Inclusion', *Environmental Politics*, 4, No. 4 (1995): p.179. Such concerns may well have prompted Dryzek in his more recent work, to acknowledge the benefits of including ecocentric considerations in our decision making. Thus he has even attempted to 'rescue' communicative rationality from Habermas, by treating 'signals emanating from the natural world with the same respect we accord signals emanating from human subjects.' John Dryzek, 'Political and Ecological Communication', *Ibid.*: p.21.

2.3.3 Greater legitimacy and improved compliance

Finally, there is an expectation that the increased legitimacy of the democratic arrangements used will ensure improved compliance of the relevant actors. In theory, we should find that:

An additional attraction of public good supply through discourse is that this procedure enhances subsequent compliance with any agreements reached, simply because the parties involved will have freely consented to the content of accords.²¹⁵

Improved compliance is therefore considered likely, given that behavioural changes motivated by the internalisation of particular normative orientations is considered more effective and longer lasting than behavioural changes derived from external or coercive imposition. Put another way, it is more likely that citizens will change their lifestyles or patterns of consumption if they believe it is right to do so, rather than because they have been simply told to do so.²¹⁶ These actions could conceivably be implemented by individuals acting alone or as a group, or in concert with the state apparatus.²¹⁷

2.4 Before Moving On

This second chapter has set out to clarify two primary issues regarding deliberative democratic theory, and its environmental claims. After a brief discussion of the nature of environmental problems, the first primary task was to provide a clear understanding of the strand of deliberative democracy inspired by Jurgen Habermas, and first applied to the environment by John Dryzek. In order to achieve this aim, representative democracy was introduced to provide a context for the discussion of

²¹⁵ Dryzek, 'Discursive Designs: Critical Theory and Political Institutions', p.676.

²¹⁶ Barry. 'Sustainability and Intergenerational Justice', p.122.

²¹⁷ Indeed, involving citizens and communities in decision making is frequently viewed as enabling greater ownership of outcomes, and consequently a collective implementation of decisions. This logic is not only evident in the literature on deliberative democracy, but may also be found in discussions of sustainability, and some notions of partnerships and decentralization.

deliberative democracy. It was shown that in theory, representative democracy (or polyarchy) is criticised by Dryzek and other deliberative democrats as favouring an instrumental form of reason that encourages the pursuit of interests specific to individuals or interest groups alone. This is seen to be detrimental to the environment, given that arguments that favour general environmental interests are not often favoured. With its roots in more direct or participatory forms of democracy, deliberative democracy is, however, viewed as a more palatable alternative to the representative tradition. In order to gain a better understanding of communicative rationality, Habermas's ideal speech situation was discussed and outlined. A further explanation of who needs to be involved in deliberative democracy, how democracy should proceed, and where it should occur, concluded the clarification of Habermas's understanding of deliberative democracy. In doing so, it was also argued that one contemporary understanding of deliberative democracy that meets these conditions is the use of participatory mechanisms such as citizens' juries to support representative democracy. These three factors are used to justify and assess the deliberative mechanisms outlined in Chapters Six and Seven.

Having outlined the theoretical basis of deliberative democracy, the second essential task of the chapter was to establish how deliberative democracy allegedly provides a link between democratic structures and favourable environmental outcomes. A review of the theoretical literature realised three primary advantages for the environment if deliberative institutions are used. The first is that their ability to involve citizens in decision making, leading to additional sources of information and a more informed policy process. Deliberative or discursive designs are also alleged to favour general rather than particular interests, and thus, as arguably the paramount general interest, environmental interests should be well supported. Finally, it is claimed that the use of deliberative designs will increase the legitimacy of the decisions made, leading to improved compliance from those actors involved. These three factors would seem to constitute the primary theoretical reasons to support a deliberative conception of democracy for resolving environmental issues, although there are reasonable grounds to speculate about the reliability of such claims when they enter the real world of environmental decision making. The third chapter therefore goes on to address the way in which a deliberative democracy may function in practice. Because if humans do not appear to operate as deliberative democrats

suggest, then the claims of deliberative theory for environmental decision making will rest on uncertain ground.

Chapter 3

Applying the Deliberative Ideal

3.0 Introduction

It was argued in Chapter Two that the concept of deliberative democracy has rejuvenated radical or participatory notions of democracy. As could be expected, this restoration has attracted considerable criticism in recent years, especially where deliberative theorists have attempted to take the ideal of deliberative democracy into the real world, suggesting it may deliver particular outcomes. As Joseph Femia has stated when defending the tradition of representative democracy against its more participatory alternative:

The defenders of liberal democracy have never advocated selfishness or contempt for the public interest or indifference to rational argument. They merely counsel us to take account of these powerful human vices when devising our political arrangements. Of course, if one compares actual reality with this or that ideal, reality is bound to fall short. It is not enough, however, for deliberative democracy to be *desirable*; it must also be *possible*.²¹⁸

Femia's position appears typical of critics of deliberative democracy, in his belief that there is little point articulating a theory that in his view fails to account for the way in which politics actually occurs.²¹⁹ But are the numerous criticisms of deliberative democracy justified, and the advocates of deliberative democrats simply too optimistic? Or does their depiction of politics have any basis in reality? As stated in Chapter One, answering such questions is a central concern of this thesis.

²¹⁸ Femia, 'Complexity and Deliberative Democracy', p.377.

²¹⁹ As we stated in Chapter Two however, to this claim Habermas would argue that the ideal speech situation may indeed never be achieved in reality, although it does have a place in the evaluation of existing institutions. Blaug, *Democracy Real and Ideal: Discourse Ethics and Radical Politics*, p.57.

Before moving to our case studies in Chapters Six and Seven which document some real deliberative designs and attempt to answer these questions, it should be recognised that research has already been conducted regarding actual deliberative forums. An excursion into such research is therefore justified, to further both the understanding of deliberative democracy, and to inform the case studies that follow. As critics would attest, the research indicates some potentially serious implications for deliberative democracy, and its ability to improve environmental decision making in the manner in which it is proposed. For instance, it is questionable whether the participants involved in deliberation will always be prepared to truly 'deliberate' and alter their preferences. Nevertheless, the chapter also finds that there is evidence to support at least some aspects of the deliberative ideal, when it meets reality. Consequently, while Habermas' ideal speech situation may never be achieved, there remain reasons to believe that real world approximations can produce outcomes that are favourable to the environment.

3.1 How Does Democracy Proceed?

As was argued in Chapter Two, deliberative institutions expected to favour outcomes which are positive for the natural environment should aim to approximate to the greatest degree possible, the principles stipulated in Habermas's ideal speech situation. In theory, the consequence of such discussion will be that the force of a 'better argument' prevails, which will take the form of interests that are general to all. As potentially the pre-eminent general interest, it is deemed that environmental interests will subsequently be favoured. Furthermore, deliberative designs will also increase the volume and improve the reliability of the information discussed, assist in handling complex issues, and improve the legitimacy of, and compliance with, the agreements reached.

Before addressing the criticisms of deliberative democracy and existing research on small groups, it should be recognised that for deliberation to occur, some degree of unity must be evident in order to determine a structure for deliberation, or some procedures agreed to. This is not to suggest, as Habermas once did, that reaching

understanding through discourse depends on 'restoring a disrupted consensus.' Unity of ideas and perspectives is not often prior, and if it were, it would eliminate the desire for discussion or change in the first place.²²⁰ What is clearly essential is that a minimal degree of 'solidarity' is present, so those who chose to take part in a discussion can commit to the structure and decision rules that are chosen. With this in mind, the following discussion of deliberative democracy begins with perhaps the most fundamental issue confronting deliberative democracy - the nature of political debate. It then moves on to examine strategic behaviour, the existence of emotion and private interests, and a range of other potential difficulties for deliberative democracy when people meet to discuss issues of common concern.

3.1.1 The nature of political debate

As Dryzek acknowledges, and Habermas's ideal speech situation suggests, what is important for the legitimacy of deliberative democracy is that citizens have the opportunity to participate in deliberations, despite there being no compulsion upon them to do so.²²¹ We should, therefore, be aware of the reasons why people choose to attend public deliberations when opportunities for public participation arise, as their initial motivation may be a key factor in fostering or retarding their 'deliberative competence.'²²² In this regard, it should be recognised that, like discourse,²²³ it seems that for deliberative democrats, deliberation is not *any* form of communication. Dryzek for instance has recently stated that:

Deliberation as a social process is distinguished from other kinds of communication in that deliberators are amenable to changing their judgements,

²²⁰ Iris Marion Young. 'Communication and the Other: Beyond Deliberative Democracy.' In *Democracy and Difference: Contesting the Boundaries of the Political*. Edited by Seyla Benhabib (Princeton: Princeton University Press, 1996), p.125.

²²¹ Dryzek. 'Discursive democracy vs. liberal constitutionalism', p.79.

²²² Tali Mendelberg. 'The Deliberative Citizen: Theory and Evidence.' In *Political Decision Making, Deliberation and Participation*. Edited by Michael Delli Carpini, Leonie Huddy, Robert Shapiro (Greenwich: JAI Press, 2002), p. 201.

²²³ As suggested in Chapter Two, the term discourse can be seen as a form of communication that is oriented towards reaching common understanding.

preferences and views during the course of their interactions, which involve persuasion rather than coercion, manipulation, or deception.²²⁴

Who then, is likely to take up the opportunity to participate, and what is the likelihood they will be prepared to change their judgements and preferences in light of a 'better argument'? One view regarding people's motivations for being involved in public deliberations comes from the public choice literature, which conceives the problem of achieving effective and widespread participation as one of collective action. Inspired initially by the work of Olson on the formation of interest groups,²²⁵ at least some of its assumptions are valid when we consider participation in deliberative forums as well.

Public choice proposes that often the costs of becoming engaged in a political activity will outweigh the benefits, discouraging some individuals and groups from becoming politically active.²²⁶ This is because a single individual's participation is unlikely to have a sufficient impact on the process to justify involvement, and thus it is rational for individuals to 'free ride' on the participation efforts of others.²²⁷ As a result, the majority of citizens will have little interest in participating, and even less interest in being well enough informed to participate well.²²⁸ Furthermore, a large number of people in society may not want to deliberate, either because they do not have an interest in political issues generally, they may not like conflict,²²⁹ or they simply do not have the time.²³⁰ Others 'not in the know' might not even be aware that the opportunity exists.²³¹ The result is that achieving widespread citizen involvement over issues that affect large numbers of people is particularly difficult, and 'those most interested in a decision will make it.'²³²

²²⁴ Dryzek, *Deliberative Democracy and Beyond: Liberals, Critics, Contestations*, p.1.

²²⁵ Patrick Dunleavy, *Democracy, Bureaucracy and Public Choice: Economic Explanations in Political Science*, (New York: Harvester Wheatsheaf, 1991), p.30-31.

²²⁶ Yvonne Rydin, 'Can We Talk Ourselves into Sustainability? The Role of Discourse in the Environmental Policy Process', *Environmental Values*, 8 (1999): p.477.

²²⁷ Rydin, 'Environmental Planning: the collective action problem and the potential of social capital', p.157.

²²⁸ Russell Hardin. 'Deliberation: Method, Not Theory.' In *Deliberative Politics: Essays on Democracy and Disagreement*. Edited by Stephen Macedo (Oxford: Oxford University Press, 1999), p.112.

²²⁹ Mendelberg, 'The Deliberative Citizen: Theory and Evidence', p.201.

²³⁰ Hardin. 'Deliberation: Method, Not Theory', p.112.

²³¹ Jane Mansbridge, 'Time, Emotion, and Inequality: Three Problems of Participatory Groups', *The Journal of Applied Behavioural Studies*, 9, No. 2/3 (1973): p.365.

²³² *Ibid.*, p.356.

According to a public choice perspective, there are two exceptions to the situation of public non-participation, both of which occur in small group situations. The first is where the potential participants know one another, and there is the possibility of strategic bargaining in a social context of continual interaction. Thus the increased prospect of monitoring and punishing free riding behaviour becomes a deterrent to non-participation. The second explanation suggests that the existence of private incentives, which can be material or social in nature, will encourage public participation. Active participation will as a consequence, generally rely upon 'NIMBY'²³³ issues that have a direct or immediate effect on people,²³⁴ and ensure that those who engage most enthusiastically and with the most resources, will be those with the most to gain and the least to lose from such participation.²³⁵

The latter interpretation regarding motivations for public participation provides a challenge for deliberative conceptions of democracy. While it would clearly depend on the nature of the issue being addressed and nature of the incentives for participating, the existence of material benefits from participation could provide those who chose to take place in 'deliberations' (or debate) good reasons to win the argument, rather than simply discover new information and find the 'truth.' This leads us to a broader concern with deliberative notions of democracy regarding the likely participants. According to a study by Gant and Davis, strong partisans, who are supposedly better informed and more involved in politics, are less open to new arguments and information than citizens who are less passionate about politics.²³⁶ If the people most likely to be involved in issues for public deliberation are unlikely to compromise on their initial preferences, this is enhanced when we consider the possibility that private incentives may also exist, as suggested by advocates of public

²³³ NIMBY is an acronym for 'not in my backyard', and can be used to describe the largely reactive motivations of many people who become involved in public issues.

²³⁴ Rydin, 'Environmental Planning: the collective action problem and the potential of social capital', p.157-58.

²³⁵ The problem of collective action is particularly relevant to environmental issues such as air quality, as the outcomes of public participation can potentially affect large sections of the population. Ibid., p.158. The fact that such incentives are seen as pivotal in public participation efforts also creates uncertainty regarding the environmental outcomes that may result. Rydin, 'Can We Talk Ourselves into Sustainability? The Role of Discourse in the Environmental Policy Process', p.477.

²³⁶ Femia, 'Complexity and Deliberative Democracy', p.384. Femia goes on to say that while such studies are not at all conclusive, the deliberative democrats offer very little evidence by way of rebuttal. Ibid., p.385.

choice. Indeed, depending on people's initial motivations, it cannot be discounted that intense political engagement will come to foster 'a mean and fractious spirit',²³⁷ rather than the virtuous solidarity that Habermas and radical democrats hope for. This would appear to severely reduce the likelihood that decisions will be made on the basis of generalisable interests, or perhaps even that agreement will be reached. Another issue that may retard people's willingness to consider other arguments is the existence of strategic behaviour.

3.1.2 Strategic behaviour

Strategic behaviour is another possible concern for deliberative democracy that is related to political motivation and the nature of political debate. For instance, there is a concern that the 'rational ignorance' of the majority will allow 'rent-seekers' to disseminate selective or distorted data.²³⁸ It is subsequently argued that it may be a mistake to enter into an argument with someone who is either consciously dishonest, or simply unwilling to reflect upon their preferences. This is because it may not only be a waste of time, but may create pressure on those who hold their positions in good faith to modify their positions to avoid disrespecting the deliberative procedure. Consequently, it is argued that a better outcome may have occurred if no deliberation takes place at all.²³⁹ The existence of strategic behaviour is clearly a concern for deliberative democracy's ability to effectively handle complex issues, and to work towards the recognition of generalisable interests.

When faced with the possibility that people may act strategically, Habermas's answer appears to be that instrumental or strategic rationality is inferior²⁴⁰ to communicative rationality, although this would be somewhat unhelpful in preventing such behaviour

²³⁷ Ibid., p.384.

²³⁸ Rydin and Pennington argue that the problem of distorted information raises the question of whether a screening process should be included, and further, whether the need for education and training, as well as information provision, should be addressed as a fundamental part of the participation process. In turn, this raises more fundamental questions who is to decide what is to be screened out, and what should the nature of the education be. Rydin, 'Environmental Planning: the collective action problem and the potential of social capital', p.159.

²³⁹ William Simon. 'Three Limitations of Deliberative Democracy.' In *Deliberative Politics: Essays on Democracy and Disagreement*. Edited by Amy Gutman, Thompson, Dennis (Oxford: Oxford University Press, 1999), p.51.

²⁴⁰ White, *The Recent Work of Jurgen Habermas: Reason, Justice and Modernity*, p.53.

in real situations. A more plausible defence comes from Fearon, who notes that just as people will not want to present obviously self-interested reasons for their views, social conventions may ensure people will not want to be caught lying in public.²⁴¹ Moreover, as Johnson argues, socialisation may actually encourage 'reasonable' argument, and 'induce parties to adopt 'reasonable' commitments or advance 'reasonable' claims.'²⁴² There remains however, the possibility that the position taken may also be a strategic one, in the hope of appearing to be 'reasonable.' Even if this occurs, Johnson suggests that a form of self-censorship can occur, as people may come to publicly, and eventually privately, embrace their 'strategically reasonable' position.²⁴³ As a rule, therefore, deliberative democrats appear to show considerable confidence in the deliberative procedure, and claim that deliberation is 'quite capable of exposing bad faith in politics.'²⁴⁴

3.1.3 Reason and emotion

Habermas's ideal of discursive democracy is heavily reliant upon the cognitive rather than the affective dimensions of the self. As Alway explains, Habermas's subject is both competent and self-reflective, and appears as a 'social, reflective, competent, cooperative being.'²⁴⁵ She subsequently suggests that Habermasian man has 'no body, no feelings; the 'structure of personality' is identified with cognition, language and interaction.'²⁴⁶ Thus deliberation may be seen as simply involving 'brains engaged in calm rational debate',²⁴⁷ giving the impression that 'the good life consists solely of rational communications and that needs can be argued for without being felt.'²⁴⁸ It can subsequently be argued that Habermas presents an overly optimistic account of the motivational powers of reason, even under ideal circumstances.

²⁴¹ Fearon. 'Deliberation as Discussion', p.48-53.

²⁴² James Johnson. 'Arguing for Deliberation: Some Sceptical Considerations.' In *Ibid.*, p.171.

²⁴³ *Ibid.*

²⁴⁴ Amy Gutman, Thompson, Dennis. 'Democratic Disagreement.' In *Deliberative Politics: Essays on Democracy and Disagreement*. Edited by Stephen Macedo (Oxford: Oxford University Press, 1999), p.254.

²⁴⁵ Alway, *Critical Theory and Political Possibilities: Conceptions of Emancipatory Politics in the Works of Horkheimer, Adorno, Marcuse and Habermas*, p.109.

²⁴⁶ *Ibid.*

²⁴⁷ Mendelberg. 'The Deliberative Citizen: Theory and Evidence', p.193.

²⁴⁸ Alway, *Critical Theory and Political Possibilities: Conceptions of Emancipatory Politics in the Works of Horkheimer, Adorno, Marcuse and Habermas*, p.109.

Within Habermas's initial formulation of the ideal speech situation and the being required to adopt it, there is, as Alway suggests, a focus on the cognitive rather than the affective dimensions of the self. In such a being, there appears an assumption that emotion is a negative force that fails to enable people to act 'rationally.' It could be argued, however, that in many cases, emotion is not only necessary to get a point across, but also unavoidable. It also denies the positive role of emotion, such as the compassion needed to listen to and understand other sides of an argument. Furthermore, 'reasonable' discussion based on objective facts may not be possible or desirable, particularly where a minority view is being subordinated without any consideration of their interests or viewpoint.²⁴⁹ The existence, legitimacy and positive role that emotion can play within deliberation, has therefore led some commentators to suggest that democratic legitimacy should not be based on 'reasoned' argument, but rather, that which is 'considered.'²⁵⁰

Some critics have also noted the frequent difficulty in distinguishing between reason and emotion. Indeed, it has been argued our mental categories always have cognitive and affective dimensions, and that reason can proceed only rarely without emotional commitment, if only an emotional commitment to the process of reasoning.²⁵¹ This has a number of consequences for the way in which decisions may be made. Firstly, given that emotions and values are frequently conditioned by an individual's life experiences,²⁵² then it seems unlikely that a convergence of interests will occur in modern societies where life experiences may vary considerably. We may even be unwilling to question some values, as these are often tied to personal identity. Gouldner makes this point clearly regarding ideology and personal identity, when he states:

[to] the extent that ideology becomes a grounding of identity, a person's being becomes contingent on the maintenance of that ideology and thus sets limits on the capacity to change that ideology rationally. In other words, insofar as it is

²⁴⁹ Jane Mansbridge. 'Everyday Talk in the Deliberative System.' In *Deliberative Politics: Essays on Democracy and Disagreement*. Edited by Stephen Macedo (Oxford: Oxford University Press, 1999), p.223.

²⁵⁰ Ibid., p.226.

²⁵¹ Ibid., p.225.

²⁵² Fernia, 'Complexity and Deliberative Democracy', p.379.

self-constituting, ideological discourse generates an identity that, like an *interest*, is taken or takes itself *as given*, and thereby also constitutes a limit on rationality.²⁵³

Therefore, to the extent participants have personalities constituted in this way, discourse is unlikely to have either a transformative effect in the direction of autonomy, or produce consensus with autonomy.²⁵⁴ As Fish argues, it is often important to people where the challenges to their beliefs come from. If they come from within a person's belief structure, then the standard to which they are being held is already acknowledged, and thus should be considered. Conversely, if the challenge comes from outside the terms recognised by a person's beliefs, then it is unlikely that person will be concerned by the challenge. Thus some premises will be completely dismissed as ones that 'no rational person could subscribe to', although of course, what is rational in this case is entirely subjective, involving what is rational to that person and their friends.²⁵⁵ The existence of emotion or prior beliefs may consequently encourage a form of 'motivated reasoning', which ensures that people who are strongly committed to a predetermined view not only fail to seriously consider evidence that disconfirms their view, but also readily accept evidence as valid if it agrees with their view.²⁵⁶ Studies have shown that as a result, research does not change people's prior beliefs, but is used to reinforce them. As Mendelberg suggests, prior sentiment subsequently drives final opinion, although people can work hard 'to couch their views in the language of rationality and reason provided to them in the research reports.'²⁵⁷ Once again, these issues would appear to reduce the

²⁵³ Alvin Gouldner, *The Dialectic of Ideology and Technology* (Oxford: Oxford University Press, 1976), p.47. Quoted by Mark Warren, 'Can Participatory Democracy Produce Better Selves? Psychological Dimensions of Habermas's Discursive Model of Democracy', *Political Psychology*, 14, No. 2 (1993): p.222.

²⁵⁴ *Ibid.*

²⁵⁵ Stanley Fish. 'Mutual Respect as a Device of Exclusion.' In *Deliberative Politics: Essays on Democracy and Disagreement*. Edited by Stephen Macedo (Oxford: Oxford University Press, 1999), p.94-95.

²⁵⁶ Mendelberg. 'The Deliberative Citizen: Theory and Evidence', p.194.

²⁵⁷ *Ibid.*, p.195. The existence of emotion also means that decisions may not always be made on the basis of 'reasoned' argument, as once someone has presented an idea in a small group situation, it is often difficult for that person to stop identifying with it, or for others to stop identifying that person with the idea. This leads to the possibility that people may take criticisms of their ideas as criticism of themselves, while pressures arise within the group that ensures that decisions will be made on the basis of feelings, rather than any apparently objective 'rationality.' Mansbridge, 'Time, Emotion, and Inequality: Three Problems of Participatory Groups', p.358.

likelihood that generalisable interests will be discovered, or that a (cognitive) consensus will be achieved.

The possibilities for convergence between discourses²⁵⁸ over value questions has, however, been the subject of some recent research by Dryzek and Braithwaite. Using Q and R methodology²⁵⁹ to assess responses to questions regarding Australia's constitution, they suggest that if two discourses subscribe to different basic values, then productive deliberation is possible. Deliberation will be unlikely to produce a normative consensus, but it will encourage each side to reflect on their own interests, and to consider the legitimacy of the interests of those who subscribe to a competing discourse. Conversely, if a discourse has a value base and its specific goals are challenged by one that does not, then deliberation between groups is most likely to produce dogmatic reassertion of positions. Finally, where a discourse has a value base that a competing discourse questions without providing an alternative, deliberation may again yield positive outcomes, as both sides may be encouraged to consider the practical use of their proposals.²⁶⁰

3.1.4 Private versus general interests

Another fundamental criticism of deliberative conceptions of democracy, is that they make too simple a distinction between interests general to all, and the particular interests of an individual. Femia argues that even Rousseau recognized that the more populous a country is and the more complex issues become, the less solutions are evident. Given such uncertainty, 'what could be more human than to choose a solution from which one stands to benefit personally?'²⁶¹ Essentially, Femia believes:

²⁵⁸ Dryzek and Braithwaite define discourses as 'a shared set of understandings embedded in language that enables its adherents to put together pieces of information and other sensory inputs into coherent wholes, organized around common storylines.' Moreover, the 'public sphere will normally be home to a constellation of discourses, some of which may be direct competitors.' John Dryzek, Braithwaite, Valerie, 'On the Prospects for Democratic Deliberation: Values Analysis Applied to Australian Politics', *Political Psychology*, 21, No. 2 (2000): p.243.

²⁵⁹ See Ibid.; and Dryzek, *Discursive Democracy: Politics, Policy and Political Economy*.

²⁶⁰ Dryzek, 'On the Prospects for Democratic Deliberation: Values Analysis Applied to Australian Politics', p.261-62.

²⁶¹ Femia, 'Complexity and Deliberative Democracy', p.381.

There is no way of defining the common good without reference to some scale of values. Is community more worthwhile than social mobility? Is equality of condition preferable to high levels of consumer satisfaction? It would be naïve to expect objective answers.²⁶²

Femia argues that any specific definition of the public interest will suit some groups or individuals more than others. Therefore, if Pareto is correct and we make convictions in our own interests, then these convictions will almost certainly affect our perceptions of what is or is not in the common interest. He therefore believes that '[a]ny theory that presupposes a rigid dichotomy between the two types of good seems downright otherworldly.'²⁶³

It would be difficult to argue with Femia that personal convictions affect one's interpretation of general interests. However, the point Habermas and others are making, is that discourse increases the possibility that where a general interest (or one that can be 'communicatively shared') does exist, discourse will allow such interests to be discovered.²⁶⁴ This is a view that has some empirical backing. Mendelberg for instance, suggests that social science research on small groups reveals that talk regarding social dilemmas (where the group is better off if everyone cooperates for the greater good, but individuals are tempted to pursue their own self interest), can deliver good outcomes for deliberation. This is because as Habermas suggests, participants use discussion to reveal a genuine commitment to cooperation, their trustworthiness, and the trustworthiness of others. Consequently, where it leads individuals to perceive benefits in cooperation, it becomes a powerful predictor of actual cooperation. Secondly, a norm of group-interest may be created, in which individuals come to see their own self-interest as equivalent to the self-interest of every other member of the group. Mansbridge for instance, states for one participant in a small group, that 'We began to have our first nonschizoid experience', seeing others in the group as they see themselves.²⁶⁵ During participation therefore,

²⁶² Ibid., p.382.

²⁶³ Ibid.

²⁶⁴ Dryzek for instance, has suggested that all actors 'are likely to have both generalizable and particular interests in the context of any given issues.' Dryzek, *Discursive Democracy: Politics, Policy and Political Economy*, p.54.

²⁶⁵ Mansbridge, 'Time, Emotion, and Inequality: Three Problems of Participatory Groups', p.353.

individuals can come to act with the goal of maximising the group's interest, and may change their identify to include the group in their conception of the self.²⁶⁶

Findings from small group situations may also be used to support the view that public discussion ensures that blatantly self-interested opinions are not generally aired, and that discussion may reshape one's private desires towards that of the group norm. Sintomer's observations of French neighbourhood councils and their meetings supports this view, as they:

...have a logic that leads participants beyond their mere private or particular interest. This is clear when once considers a first kind of theme that is completely illegitimate during the discussions: the demands that do not concern the neighbourhood as such, but only the particular interest of some individual or pressure group inside the neighbourhood...the public spontaneously censures those who only speak for themselves, or appear to do so. They cannot speak very long without being interrupted and contested, and after they have spoken, nobody cares about what they have said.²⁶⁷

This situation is backed by other accounts²⁶⁸ verifying that in public deliberations, orators are not only encouraged to pursue arguments with which others can agree, but are unlikely to present arguments that are patently self-interested. This stipulation is, however, complicated when subgroups form.

3.1.5 Groups within groups

While it would seem that discourse could improve cooperation between individuals when they agree to participate regarding common dilemmas, the picture when subgroups form is far more complex, and can lead to increased or decreased cooperation and issue resolution. One argument is that cooperation generally occurs

²⁶⁶ Mendelberg. 'The Deliberative Citizen: Theory and Evidence', p.180.

²⁶⁷ Yves Sintomer, 'Participatory Democracy and Governance: Local Politics in France' (Paper presented at the ECPR 29th Sessions of Workshops, Grenoble, 2001), p.24.

²⁶⁸ Fearon for instance, suggests that in small group situations 'manifestly self interested reasons are rare.' Fearon. 'Deliberation as Discussion', p.53.

where common fate is central to discussion, although as indicated in a study by Gaertner et al,²⁶⁹ it then becomes questionable whether it is the discussion or simply the information exchange that encourages this. Alternatively, where groups are unequal in numbers, bringing them together may increase conflict and bias, as the minority group's distinct identity becomes more prominent, reducing the likelihood of cooperation.²⁷⁰ This is linked to the notion of group polarisation.

Group polarisation, or the finding that discussion tends to amplify the strength of majority opinion, is another potential consequence of genuine division within a group. Thus if the group starts out favouring one alternative, it concludes, following discussion, with an enhanced commitment to that alternative. Compromise with those favouring an alternative argument or decision therefore becomes less likely after interaction than before. There are two explanations for this occurrence; one is social, and the other informational.²⁷¹ The social explanation entails pessimistic implications for deliberative theory, as group polarisation may be created by social comparison, which stresses that we have a disposition to use others as reference points for self-evaluation.²⁷² Group members attempt to portray themselves in a positive light, as they strive to be perceived as at least equal to, if not better than, average on some desirable dimension (related to the task being undertaken). Given most members discover they do not exceed the average, many shift in an attempt to catch up.²⁷³ Thus the emphasis is on self-presentation motives, and the quality of the arguments presented by the various protagonists is irrelevant.²⁷⁴ What matters is the side that is dominant socially.²⁷⁵ This is clearly at odds with the deliberative conception of communicative rationality and the notion that generalisable interests should dominate discussion, given that the arguments presented and information made available will not be the primary determinant of the outcome.

²⁶⁹ S. Gaertner, Mann, J., Dovidio, J., Murrell, A., Pomare, M., 'How Does Cooperation Reduce Intergroup Bias', *Journal of Personality and Social Psychology*, 59 (1990).

²⁷⁰ Mendelberg. 'The Deliberative Citizen: Theory and Evidence', p.182-184.

²⁷¹ Cass Sunstein. *The Future of Free Speech*, The Little Magazine, 2003 [Cited 13 May 2003]. Available from <http://www.littlemag.com/mar-apr01/cass6.html>

²⁷² Femia, 'Complexity and Deliberative Democracy', p.387.

²⁷³ Mendelberg. 'The Deliberative Citizen: Theory and Evidence', p.184.

²⁷⁴ Femia, 'Complexity and Deliberative Democracy', p.387.

²⁷⁵ Sunstein. *The Future of Free Speech*.

Another explanation of group polarisation exists that emphasises information rather than social muscle, and is potentially more positive for theories of deliberation. 'Persuasive arguments' theory suggests that groups polarise simply because deliberators in the majority can offer more novel and valid arguments for their side, whatever that direction may be. Mendelberg subsequently argues that 'persuasive arguments theory harmonizes quite well with deliberative theory.'²⁷⁶ This more positive assessment is not favoured by Femia, however, who argues that it merely indicates that those arguments that have resonance within the group will continue to be favoured, while others are selectively downplayed. For him, the consequence is that in the absence of pre-existing harmony within the group, discussion is more likely to generate alienation than reduce it.²⁷⁷ This is related to the phenomenon of group deficits.

3.1.6 Group deficits

One of the major assertions of deliberative democrats is that two heads are better than one, as information is combined from numerous sources, and new and creative solutions to problems are encouraged. There may well be merit in this assertion, although there is also a tendency within some groups to discuss the information they already share in common. Hence shared information is often favoured over unshared information, and thus:

Not only is commonly held information discussed more often, it is discussed earlier, and repeated more often by leaders. Consequently, group decisions tend to be biased toward shared information at the expense of the information that each member is uniquely positioned to bring to the decision, even when the unshared information points to a much better alternative.²⁷⁸

While the nature of group norms would appear to affect the group deficit phenomenon, Femia notes their strength is also important in this regard. As a result,

²⁷⁶ Mendelberg. 'The Deliberative Citizen: Theory and Evidence', p.185.

²⁷⁷ Femia, 'Complexity and Deliberative Democracy', p.388.

²⁷⁸ Mendelberg. 'The Deliberative Citizen: Theory and Evidence', p.202.

where a group does manage to achieve genuine cohesion, it not only has a tendency to insulate itself from inconvenient information, but also rarely seeks alternative policy options to assess their relative virtues. This can lead to doubters within the group being 'ridiculed or shamed into silence', while 'proponents of alternative opinions may be demonised as embodiments of whatever 'evil' is most despised in group rhetoric.'²⁷⁹ Once more, this view directly challenges the suggestion that deliberative structures should encourage a greater sharing of information. Despite this, Mendelberg suggests that leadership within groups can mediate such bias, and if achieved, the quality of group decisions may improve if the unshared information can become the subject of discussion.²⁸⁰ It seems noteworthy, however, that the question of leadership appears to be virtually irrelevant in a truly deliberative democracy, given that the social factors mentioned above would not be an impediment to the discussion and provision of information.

3.1.7 Exclusion and inequality

According to Young, deliberative theorists tend to assume that reducing political and economic power is sufficient to make speakers equal. This may be seen as a naïve hope, as it fails to account for the social and cultural power that can prevent some people from voicing their opinions, while others can dominate discussions by virtue of their status within the group. Social power may also be derived from styles of speaking, as some forms of speech are devalued at the expense of others.²⁸¹

It can be argued that status is a primary determinant of whether a person will speak and be listened to in a group situation. Illustrative of this general tendency is the ability of white middle class people to dominate discussions in small groups, who 'act as though they have a right to speak and that their words carry authority.'²⁸² The dominance of certain privileged groups may have the effect of resigning members of other groups to a subordinate position, as they may feel intimidated, put down and

²⁷⁹ Femia, 'Complexity and Deliberative Democracy', p.387.

²⁸⁰ Mendelberg. 'The Deliberative Citizen: Theory and Evidence', p.202-206.

²⁸¹ Young. 'Communication and the Other: Beyond Deliberative Democracy', p.122.

²⁸² Ibid., p.124.

frustrated, causing them to lose confidence or become angry.²⁸³ Status within a group is also linked to a person's educational attainment. While having inequalities in education is beneficial in raising the collective understanding of the group, it is problematic if equality is a goal of participation. This is because not only are the highly educated more likely to attend, but also they are generally of a higher class, reducing the likelihood other perspectives will be heard. An associated problem is that the better educated have a correlation with people who have a greater need for cognition (defined as the motivation to think in depth about the essential merits of a message). High cognition people are, however, also those with stronger attitudes, and subsequently less likely to alter their arguments when faced with similarly other meritorious ones.²⁸⁴

An example of the important role of status comes from French neighbourhood councils, where Sintomer notes that 'speech tends to be monopolized by a small number of people',²⁸⁵ while those with a higher education or 'strong cultural capital' feel more comfortable intervening in discussions. Consequently, some people are better at performing in the style of discussion that is required, or accepted, while others simply 'do not fit in.' The consequence is that 'there is hardly a common deliberation and the excluded people are the mere objects of, and not the subject of the discussion.'²⁸⁶ Similarly, in her study of meetings in a small New England town, Mansbridge suggested that class, popularity, and length of attendance, all affected the degree to which people's ideas were taken seriously by the group. Thus, 'the good guy with some social skill may find his ideas more readily accepted, while the hard

²⁸³ Ibid.

²⁸⁴ Mendelberg, 'The Deliberative Citizen: Theory and Evidence', p.191-193. An extension of this line of argument leads to a more general point about different personality types, regarding which there is a large amount of research. An example of this comes from Isabel Briggs Myers, whose *Gifts Differing* explains that people's methods of reasoning may vary considerably. Briggs Myers subsequently identifies sixteen different personality types. These relate to a combination of factors, such as the manner in which people perceive (through intuition or sensing) or judge (through thinking or feeling). Isabel Briggs Myers, Myers, Peter, *Gifts Differing* (Palo Alto: Consulting Psychologists Press, Inc, 1980). Thus it should be recognised that people's gifts do of course differ, which will alter their willingness and ability to both contribute to debate, get along with other people, persuade others, and listen to and comprehend others. This will clearly effect the degree to which different arguments are accepted within groups.

²⁸⁵ Sintomer, 'Participatory Democracy and Governance: Local Politics in France', p.20.

²⁸⁶ Ibid.

line decision-maker who never learned to get along with people will find his ideas chopped to bits or ignored.'²⁸⁷

Another criticism of deliberative theory is that it generally assumes that the nature of language is unproblematic, despite its ability to exclude certain individuals and groups. Studies on linguistic intergroup bias indicate that in subtle and indirect ways, people tend to give greater attention to the position of their own group.²⁸⁸ Deliberation may also favour speech that is formal and general, and thus 'speech that proceeds from premise to conclusion in an orderly fashion that clearly lays out its inference structure is better than other speech.'²⁸⁹ Norms of articulation must of course be learned, are culturally specific, and are a sign of social privilege in speaking situations. Deliberation may not, therefore, always be equally accepting to all ways of making claims and giving reasons,²⁹⁰ and of those individuals who chose to do so. For these reasons, it seems doubtful whether decisions will be made with full information, and on the basis of interests that are general to all participants.

While the above findings regarding difference deal essentially with interpersonal relations, the influence of minority opinion on majorities has also been the subject of social research regarding small groups. The primary finding of such research according to Mendelberg, is that group norms are the essential ingredient affecting whether deliberation will occur across difference. Therefore, if the group shies away from conflict, it is likely that minority opinion will have little influence upon the majority opinion, and the social factors suggested by Femia will take precedence. If, however, the group values originality, the most innovative participants will be the most influential, thereby allowing for a conversion of majority opinion towards minority views.²⁹¹

²⁸⁷ Mansbridge, 'Time, Emotion, and Inequality: Three Problems of Participatory Groups', p.358.

²⁸⁸ Mendelberg. 'The Deliberative Citizen: Theory and Evidence', p.196.

²⁸⁹ Young. 'Communication and the Other: Beyond Deliberative Democracy', p.124.

²⁹⁰ Ibid.

²⁹¹ Other factors affecting minority influence include the consistency in minority membership, and the nature of the issue being discussed. Minorities are considered more likely to succeed where objective facts rather than values are the subject of discussion, and when their norms do not violate those of the majority. Mendelberg. 'The Deliberative Citizen: Theory and Evidence', p.186-189.

3.1.8 Increasing difference

Related to concerns regarding inequality and differences within groups, is a more general assertion that under some circumstances deliberation may actually increase difference rather than reduce it, as people with opposite interests may not realise how different their positions are until deliberation. In circumstances where strong moral issues in particular are debated, it is possible that deliberation may increase conflict and promote disagreement. For Shapiro:

There is no particular reason to think deliberation will bring people together, even if they hope it will and want it to...Deliberation can reasonably be expected to shed light on human interaction, but this may reveal hidden differences as well as hidden possibilities for convergence. It all depends on what the underlying interests at stake actually are.²⁹²

In some cases therefore, it should be recognised that the constructive use of silence, and allowing parties the chance to agree to disagree, may actually help minimise conflict.²⁹³ Thus deliberation should certainly not be seen as a panacea in resolving some disputes, especially those that involve strongly held moral views, or which severely challenge individual or group identity. Given the value-laden nature of many environmental issues, it seems particularly likely that such conflicts will arise, and differing conceptions of generalisable (or particular) interests will prevail.

3.1.9 Consensus versus majority rule

There is some evidence to suggest that the decision rule that is applied in a deliberative situation may impact upon the willingness of participants to discover and debate generalisable interests. As we argued in Chapter Two, for Habermas, the goal of deliberation should be consensus, although in reality he recognised that this would

²⁹² Ian Shapiro. 'Enough of Deliberation: Politics is about Interests and Power.' In *Deliberative Politics: Essays on Democracy and Disagreement*. Edited by Stephen Macedo (Oxford: Oxford University Press, 1999), p.31.

²⁹³ Cass Sunstein. 'Agreement without Theory.' In *Ibid.*, p.130.

frequently be a cognitive, rather than a political one. Thus a workable agreement, rather than consensus, would be the likely outcome.

One view regarding decision rules comes from Mansbridge, who suggests that the goal of unanimity creates greater social forces within the group. These forces do not result in the silencing or alienation of minorities in friendship groups, although this is possible in groups that lack genuine friendship ties (or perhaps 'solidarity' to use Habermas' terminology). Mansbridge concluded that where inequalities are small, the goal of consensus seems to work well, although it may exacerbate inequalities if they are increased.²⁹⁴ The effects of unanimous rule should, therefore, be seen as complex, and dependent upon other factors influencing a situation.

A survey of the sparse research available by Mendelberg led her to a similar conclusion, suggesting that the 'general consensus among researchers is that by itself, assigning majority versus unanimous rule makes little consistent difference to the outcome.'²⁹⁵ It may however, make a considerable difference to the process and the outcome in interaction with other features of the situation. One study by Kameda found that consensus creates better conditions for deliberation than majority rule, as it can neutralise the negative consequences of closed minds.²⁹⁶ Consequently:

Unanimous rule structures deliberation in such a way as to invite a more thorough hearing of minority views. Requiring unanimity is much like requiring people to make decisions with an open mind.²⁹⁷

Moreover, unanimous rule encourages deliberators to pursue a more thorough hearing of minority views, especially where there is a discrete choice (such as guilty or not guilty). Nevertheless, this finding may not hold where group pressures for conformity

²⁹⁴ Jane Manbridge, *Beyond Adversary Democracy*, (Chicago: University of Chicago Press, 1983). Cited by Mendelberg. 'The Deliberative Citizen: Theory and Evidence', p.205.

²⁹⁵ *Ibid.*, p.206.

²⁹⁶ T Kameda, 'Procedural Influence in Small-Group Decision-Making: Deliberation Style and Assigned Decision Rule', *Journal of Personality and Social Psychology*, 61 (1991). Cited by Mendelberg. 'The Deliberative Citizen: Theory and Evidence', p.205.

²⁹⁷ *Ibid.*, p.39-40.

are great, although for Mendelberg it 'provides some optimism about deliberation',²⁹⁸ and the goal of consensus.

3.1.10 A query regarding democratic legitimacy

A final note should be made regarding Habermas' ideal speech situation, and its position as a measure of democratic legitimacy. The critic Shapiro would appear to at least partially agree with its intent, when he suggests that the legitimacy of any process varies with the degree to which it is both inclusive and binding on those that make the decision. Shapiro notes, however, that in reality 'different people are differently bound by collective decisions. When there is great variation in the impact of a decision, then interests diverge in ways that are relevant to assessing the decision's legitimacy.'²⁹⁹ This tendency is amplified when there are substantial differences in the ability of different groups to avoid the effects of the policies on which they are deliberating. People who can easily avoid the effects of a policy do not, it seems, have the same kind of interest at stake as those who cannot easily do so. This is particularly problematic when we consider that many decisions impact on those in lower educational and socio-economic groups, while these people are the least likely to participate in discussions.³⁰⁰ In such cases, Shapiro argues that what is needed is not attempts at widespread deliberation, but rather, 'firm action from above to protect the vulnerable.'³⁰¹ Those in favour of deliberation retort that action of this nature could of course lead to charges of authoritarianism, as it raises the problem of who is to take action, and on what basis.³⁰²

3.2 Before Moving On

Given the considerable criticism levelled at the deliberative conception of democracy, this third chapter has outlined and reviewed such criticisms, and summarised some

²⁹⁸ Ibid., p.42.

²⁹⁹ Shapiro. 'Enough of Deliberation: Politics is about Interests and Power', p.33.

³⁰⁰ Ibid., p.34.

³⁰¹ Ibid.

³⁰² Amy Gutman, Thompson, Dennis. 'Democratic Disagreement.' In Ibid., p.248.

existing research on small groups. The chapter has revealed a complex picture regarding the practice of deliberative democracy. It indicates there are many factors that can impact on the ability of deliberative arrangements to produce outcomes that increase the range of information and improve the policy process, assist in the favouring of generalised environmental interests, and improve the legitimacy and compliance of the agreements reached.

The ability of deliberative designs to increase the range of information provided and the decisions reached, has been shown to be potentially hampered by the existence of strategic behaviour, and a range of social factors including group deficits, exclusion and inequality. Similarly, the idea that generalisable interests will be discovered through deliberation has been questioned, given political debate is often undertaken by those who are already well informed, and unlikely to alter their opinions. Strategic behaviour, and the fact emotion is frequently a part of discussion, may also reduce the possibility of finding interests that are either general to all, or in the best interests of the natural environment. Nevertheless, the discussion of private versus general interests does reveal the possibility that the public nature of discussion can encourage people to view their interests as similar to others in the group, allowing for the recognition of generalisable interests. This conclusion should be further qualified, however, where subgroups form, and various forms of exclusion takes place. The possibility that deliberation may actually increase rather than decrease difference over strongly held positions, may also work against the favouring of a general environmental interest. Finally, it seems reasonable to assume that at least some of these factors could also impact upon the perceived legitimacy of, and compliance with the agreements (or disagreements) reached, although specifically how would clearly depend on the participants involved. The fact that many decisions may have varying effects on groups in society, could also be seen to alter the perceived legitimacy of any inclusive, deliberative process.

Having addressed many of the issues that may affect deliberative democracy's ability to deliver positive environmental outcomes, it can be argued the thesis is now in a position to address one current location of environmental deliberation. The thesis will now therefore, move onto its second primary concern, Australian local government. Before the case studies are undertaken to further assess deliberation's environmental

credentials through some new deliberative models in local government, two practical issues regarding local government need to be addressed. The first is to explain the circumstances in which local democracy operates in Australia, and the reasons why it has historically had a limited capacity and willingness to deliberate with its citizens.

Chapter 4

Representative Local Democracy

4.0 Introduction

As the first of two chapters that provide the context for the case studies that follow, this chapter outlines the circumstances in which local democracy has generally operated in Australia. In doing so, the chapter is broken into two sections. The first outlines the historical circumstances from which modern local democracy developed. It argues that local democracy in Australia has historically been of a purely representative form, and based upon the first of the two democratic traditions outlined in Chapter Two. To defend this argument, the chapter shows how local government historically provided a limited number of services to property. One effect of this, was that local government operated as a ratepayer democracy, appealing to the specific interests of landowners alone, rather than those of all citizens. Providing few services and with limited opportunities for direct citizen participation beyond the ‘aggregative’ mechanism of election, even the majority of ratepayers displayed little interest in the sector as a whole. As a consequence, a largely disinterested or apathetic citizenry was created, with local government often depicted as elitist. For these reasons, it could be argued that until at least the 1960’s, Australian local government was illustrative of a poorly functioning representative democracy, demonstrating at least some of its purported characteristics and assumptions.

While the focus on representative local democracy has continued in many local governments, the second section of the chapter addresses a number of recent changes that have altered local government’s ability and willingness to represent all its citizens. Although many traditions still impact upon local government, it can be argued representative elitism has gradually been reduced, as a more diverse public has taken an interest in a system able to deliver a wider range of services. Arguably, a more vibrant local democracy has also been created with an extension of the democratic franchise, more competitive local elections, and requirements that local

governments directly consult their citizens about decisions that affect their lives. Indeed, an emphasis on open government and citizen participation has also encouraged at least some councils to undertake a shift towards more deliberative or participatory forms of decision making. In theory this is a most significant move, given greater opportunities for citizen deliberation should produce a more informed policy process, encourage decisions to be influenced by citizens' interpretations of general rather than specific interests, and enhance the legitimacy of the decisions reached. Although these issues are not directly addressed until Chapters Six, Seven and Eight, local government's emerging environmental role is also a key factor encouraging councils to deliberate with their citizens. Local government's enhanced environmental role is therefore discussed in greater detail in Chapter Five, before the two case studies are presented and subsequently analysed.

4.1 Changes to Australian Local Democracy

As suggested in Chapter One, making generalisations about Australian local government is difficult given the large number of local authorities that exist across six states and two territories. Nevertheless, it can be argued from the limited research conducted in Australia regarding local democracy, that numerous changes have occurred to the representative system that have influenced its ability and willingness to consult with all its citizens. These changes, which are discussed in detail in this chapter, are summarised in Table Three below.

Table 3: Changes to Australian Local Democracy

Factor	Early local government	Modern local government
Legislation	Prescriptive	Enabling
Services provided	Limited	Expanded
Institutional view of citizens	Passive ratepayers	Active citizens/consumers
Size of Councils	Small	Large
Electoral Competitiveness	Very low	Moderate
Opportunities for Direct Citizen Deliberation	Limited	Expanded

4.1.1 Early local government: a democracy for ratepayers

4.1.1.1 Creatures of the States

As Chapman asserts, the emergence of local government in Australia is closely intertwined with the country’s complex colonial history, and with significant differences apparent between states in the rationale for its development.³⁰³ Among the contributing factors, however, was the difficult terrain, climate and considerable distances that ensured infrastructure such as railways, roads, bridges, wharves and jetties, were very costly to provide. The British were keen to pass on some of this financial responsibility to local citizens, and encouraged economically strapped colonial (state) governments to relinquish some responsibilities. In some states a voluntary system existed, whereby citizens could create a municipality according to certain conditions, which in NSW for example, included a petition of only fifty ratepayers.³⁰⁴ The initiative in all cases came from the colonial government, although there were varying degrees of readiness from local property owners to accept some responsibility for local affairs.³⁰⁵ While the varying local conditions in each state

³⁰³ R. and Wood Chapman, M., *Australian Local Government: The Federal Dimension* (Sydney: George Allen and Unwin, 1984), p.19-29.

³⁰⁴ Judy McNeil. 'Local Government in the Australian federal system.' In *Australian Local Government: Reform and Renewal*. Edited by Brian Dollery, Neil Marshall (Melbourne: Macmillan, 1997), p.19.

³⁰⁵ Bowman, *Local Democracies: A Study in Comparative Local Government*, p.167.

make it difficult to talk of an 'Australian local government system',³⁰⁶ it is clear that by the time of Federation in 1901, all states except Tasmania and NSW had systems of local government that were virtually complete.³⁰⁷ By 1910 all the states had established their local government systems, which Vince argues comprised 1067 separate authorities,³⁰⁸ many of which replaced a highly complex series of boards and trusts.³⁰⁹

According to McNeil, the provision of roads was the most urgent need in the states, and became one of local government's primary concerns. Another important similarity among local governments in all states was that they all maintained a focus on providing services to property, and thus ended up with a large range of similar and essentially minor functions.³¹⁰ Other services such as water supply, electricity, and transport frequently ended up with specifically constituted state government authorities,³¹¹ as most local authorities were under-resourced and too small (and perhaps parochial) to provide them.³¹²

Although parochialism and the small scale of local government are considered important factors in the system's inability to undertake a wider range of functions, it should be recognised that Australian local government was not included in the Australian Constitution in 1901, and their powers were derived from state government legislation.³¹³ Local government was consequently hamstrung by the prescriptive and limiting powers of the states, reinforced by the doctrine of *ultra vires*.³¹⁴ Thus, following this general principle of law, these bodies created by a statute could only do those things for which there is expressed or implied legislative authority, or which are reasonably incidental to those Acts. Any action beyond or in excess of these limits

³⁰⁶ Chapman, *Australian Local Government: The Federal Dimension*, p.24.

³⁰⁷ Bowman, *Local Democracies: A Study in Comparative Local Government*, p.167.

³⁰⁸ Anne Vince. 'Amalgamations.' In *Australian Local Government: Reform and Renewal*. Edited by Brian Dollery, Neil Marshall (Melbourne: Macmillan, 1997), p.151.

³⁰⁹ Chapman, *Australian Local Government: The Federal Dimension*, p.28.

³¹⁰ McNeil. 'Local Government in the Australian federal system', p.20.

³¹¹ *Ibid.*, p.19.

³¹² Bowman, *Local Democracies: A study in Comparative Local Government*, p.168. Local government therefore performed only a limited range of services compared to local government in Britain. In this regard, it is Australian state governments that most closely represents British local government, as the provider of a social services such as health and welfare provision. *Ibid.*, p.169.

³¹³ McNeil. 'Local Government in the Australian federal system', p.20-21.

³¹⁴ Chris Aulich, 'From Convergence to Divergence: Reforming Australian Local Government', *Australian Journal of Public Administration*, 58, No. 2 (1999): p.14.

would be *ultra vires*, or beyond their power.³¹⁵ While there appeared a general reluctance to extend local government's functions, the post-war period saw them broaden to include town planning and a growing range of welfare and leisure services.³¹⁶ Despite this, Chapman argues that for the three decades following the Second World War, Australian local government was still widely considered to be a 'creature of the state', and remained responsible for a restricted range of services, being the proverbial roads, rates and rubbish. Thus it was viewed 'not as part of the governing system, but rather as a limited, functional, managerial system.'³¹⁷

4.1.1.2 Ratepayer democracy

Given its cultural heritage and focus on providing services to property, it is perhaps unsurprising that local government was accompanied by a corresponding understanding of local citizenship. Thus representation and the ability to vote was only extended to the propertied class, and remained so to a greater degree than in Britain. Perhaps one reason for this was that local government in Australia was not generated by a desire for a fully representative democracy, but rather, because '[p]rotection of one's own interests and those of one's own kind were the dominant considerations.'³¹⁸ These considerations were particularly apparent in Australia, given there was a constant fear of violence and disorder created by the remains of the convict system, and the inherently conservative nature of most of the ruling class.³¹⁹ Local government therefore became a 'ratepayer democracy', representing the interest of property owners alone.

The justification for the property franchise came particularly from theorists including Mill, who was keen to ensure representative government would avoid the possibility of working-class majority rule, leading to class legislation. Hence for Mill, representative government should be based on property franchise and proportional

³¹⁵ Leonie Newnham, Winston, Geoff. 'The role of councillors in a changing local government arena.' In *Australian Local Government: Reform and Renewal*. Edited by Brian Dollery, Neil Marshall (Melbourne: Macmillan, 1997), p.108.

³¹⁶ Bowman, *Local Democracies: A Study in Comparative Local Government*, p.169.

³¹⁷ Chapman, *Australian Local Government: The Federal Dimension*, p.14.

³¹⁸ *Ibid.*, p.27.

³¹⁹ *Ibid.*

voting, to ensure that rule was by the ratepayers, or those most likely to defend the public interest.³²⁰ These ideas had a significant effect on British and Australian local government, as Roberts argues:

...beliefs persisted in the New World that ownership of property conferred particular opportunities for leadership and membership within the civic community. While civil liberties were understood to apply to all residents, only the possession of property enabled full membership in the local political community and acquisition of abundant property was regarded as evidence of superior ability to manage local affairs. These beliefs were enshrined in the franchise clauses of local government legislation.³²¹

Consequently, there was a widely held view that councils must represent ratepayer interests, by providing services to property and protecting property owners. The local tax on land was seen as being closely related to the services received, with those owning more valuable properties assumed to have a stronger interest. This created a close connection for citizens between who pays for, and who benefits from services.³²² The emphasis on the ratepayer ensured that historically, only male property owners could vote in Australian local government elections, with multiple votes for those with multiple properties. Although other countries and other levels of government have moved away from this practice and adopted the principles of universal adult suffrage and one person, one vote, Australian local government has largely evaded such a change.³²³ This has been primarily due to the strong influence of arguments that support the historical link between property and franchise. For instance, the Australian Labor Party attempted to reform the electoral franchise nine times between 1904 and 1978 in Western Australia, with the objections raised in 1904 continuing to have influence in later years. In his position as president of the

³²⁰ Dilys Hill, *Democratic Theory and Local Government*, (London: Allen and Unwin, 1974), p.28.

³²¹ Winsome Roberts, 'Doing One's Duty: Voluntary Governance in Nineteenth-Century Australia' (Paper presented at the Australasian Political Studies Association, University of Sydney, 26-29 September 1999), p.684.

³²² Michael Jones, *Managing Local Government: Leadership for the 21st Century* (Melbourne: Hargreen Publishing Company, 1989), p.140. The fact that rate income still accounts for around 60 percent of all local government funds may be seen to continue this problem. McNeil, 'Local Government in the Australian federal system', p.37.

³²³ Rosemary Kiss, 'Democracy or Community? Australian Local Government Electoral Reform.' In *Local Government at the Millennium*. Edited by Helge Larsen, Janice Caulfield (Opladen: Leske and Budrich, 2002), p.145-46.

Municipal Conference, State MP and Bunbury Mayor Newton Moore, argued that municipal government was established 'to control the expenditure of special funds for special purposes',³²⁴ meaning that those who paid more into the funds ought to have an increased say in their expenditure. Moreover, he believed:

The system of one man one vote opens the door to the possibility of a number of irresponsible electors, who may be mere birds of passage, saddling a municipality with liabilities of a very questionable value...I say also the scheme will introduce into the municipal council room an atmosphere of politics and party which cannot be too strongly deprecated.³²⁵

These views continued in the Western Australian state parliament throughout the 1970s, and according to Chapman and Wood, illustrate how difficult it has been for local government to utilise a basic democratic principle, and eliminate a franchise biased towards property owners who want to protect their interests. The desire of property owners to protect their interests has also discouraged the extension of local politics into areas such as personal services, particularly where it threatens the established pattern of resource allocation encouraging maximum use of land.³²⁶ Another related consequence of denying a voice to non-property owners, however, was to ensure that significant groups within local communities, such as aged people living with families, or young people in rental accommodation, were excluded from local politics. It is not surprising therefore, that local government has been 'plagued by public disenchantment', leading to the widespread apathy towards local elections and 'the feeling that local councils are somehow detached from the ordinary person in the street.'³²⁷

³²⁴ Chapman, *Australian Local Government: The Federal Dimension*, p.46.

³²⁵ Ibid.

³²⁶ Ibid., p.48.

³²⁷ Joan Roberts. 'Local Government and Community Development.' In *Australian Local Government Handbook*. Edited by Australian Local Government Association (Canberra: Australian Government Publishing Service, 1989), p. 43.

4.1.1.3 Electoral politics and local polyarchy

As suggested above, local government almost exclusively delivered a limited range of services to property, with its politics revolving around representing the interests of ratepayers. Following this, it has been suggested that electoral politics at the local level, therefore, involved a corresponding appeal to ratepayers by ratepayers.³²⁸ This ratepayer democracy should not, however, be viewed as particularly vibrant. While compulsory voting in Queensland has in the past seen around eighty five percent of citizens accept this right,³²⁹ voluntary voting has frequently resulted in participation rates at twenty percent or lower. Furthermore, finding prospective candidates has often proven difficult, particularly in rural councils where uncontested elections were historically 'the rule rather than the exception.'³³⁰ For some, such factors would indicate a weakness of local democracy,³³¹ while for others, it is also a further illustration of the weak civic culture in Australia.³³² An alternative explanation of these events would argue that low electoral turnouts simply show satisfaction with a council's performance, while voting procedures and the existence of wards may reduce voter turnout and electoral competitiveness.³³³ As Bowman suggested in the early 1980s, however, despite a gradual increase in the range of services provided by local government:

There is still little in the routine agenda of most local authorities to attract most citizens. And what councils do is typically still poorly reported, falling below the level of attention of the state-based daily newspapers, and radio and television newscast, except for the occasional drama or scandal.³³⁴

³²⁸ Chapman, *Australian Local Government: The Federal Dimension*, p.55.

³²⁹ Bowman, *Local Democracies: A Study in Comparative Local Government*, p.177.

³³⁰ Ibid.

³³¹ John Stewart. 'Democracy and Local Government.' In *Reinventing Democracy*. Edited by P Hirst, S. Khilnani (Oxford: Blackwell Publishers, 1996), p.40.

³³² John Power, Wettenhall, Roger, Halligan, John, ed. *Local Government Systems of Australia*. (Canberra: Australian Government Publishing Service, 1981), p.106.

³³³ Chapman, *Australian Local Government: The Federal Dimension*, p.54. For instance, unless a council is subject to ward boundary changes or an increase in the size of the council, elections are usually undertaken on an annual basis for only a third of the elected representatives. This may discourage voters wanting changes on a large scale, given they must wait for a number of successive elections to vote for their preferred alternatives. Ibid.

³³⁴ Bowman, *Local Democracies: A Study in Comparative Local Government*, p.179.

If interest has historically been low in local government, then who are the major participants in local affairs? Despite no systematic survey of councillors being undertaken, Chapman and Wood believe 'it is reasonable to argue that those who are most attracted to serve on local councils are those who have most to gain from participation.'³³⁵ Combined with the conservative nature of local politics and its property related focus, it is perhaps unsurprising that in the past councillors were not representative of the communities they represent. For instance, writing in 1981, Power, Wettenhall and Halligan argue that farmers are likely to be found on rural councils, small businessmen on town councils, and business executives and professionals on the councils of capital cities.³³⁶ Moreover, it has been suggested that even by the early 1980s, the typical local government councillor was 'male, middle-aged, middle class and conservative in outlook.'³³⁷ Indeed, local government has been described as something of a male bastion, which has 'been defined and developed as an all-male, club-like elite, perpetuating itself by excluding women, migrants and others without club qualifications and by ritualised, impenetrable procedures.'³³⁸ It has been suggested that deliberate strategies were used to limit the effectiveness of new and different influences, which hurt the system's ability to cope with new challenges.³³⁹ The limited use of participatory structures would appear to support this assertion (and is discussed further below).

It is perhaps for these reasons that local government has been historically at least, viewed as elitist and exclusivist, and dominated by small groups or even a single member. Furthermore, it has been suggested that where a greater degree of pluralism does exist, it can be representatively elitist, by favouring one local group that is either well resourced, articulate, or of a high social status.³⁴⁰ This is hardly surprising, as even the most socially active of representatives will know only a small minority of their constituents. Contributing to such concerns is the marked social bias that has

³³⁵ Chapman, *Australian Local Government: The Federal Dimension*, p.49.

³³⁶ Power, ed. *Local Government Systems of Australia*, p.105.

³³⁷ John Halligan, Paris, Chris, ed. *Australian Urban Politics: Critical Perspectives* (Melbourne: Longman Cheshire, 1984), p.61.

³³⁸ A Sinclair, Bowman, M, Strahan, L, *Getting the Numbers - Women in Local Government*, (Melbourne: MAV in association with Hargreen, 1987), p.92. Quoted by Newnham. 'The role of councillors in a changing local government arena', p.118.

³³⁹ Ibid.

³⁴⁰ Crowley, 'Glocalisation' and Ecological Modernity: challenges for local environmental governance in Australia', p.93.

existed in local government, leading to the distinct possibility that their information networks will also be socially biased.³⁴¹ All of these factors may well have contributed to the poor reputation of local councillors, as the limited research conducted in 1980 suggested many Australians considered their local politicians to be at best, incompetent, and at worst, corrupt.³⁴² Such factors may also support Bowman and Hampton's assertion in 1983, that while local government in Australia had proven to be both 'enduring and serviceable to local development', it had never been a model of either 'efficiency or of local democracy.'³⁴³

4.1.1.4 Opportunities for direct public participation

Despite the differences in scale which exist between local government in Britain and Australia (as a result of Britain being a unitary rather than federal system), it can be argued that some of the assumptions underpinning local government in Britain have also existed in Australia. This view is supported, when we consider that Australian local government was derived from the British model.³⁴⁴ Thus when commenting on local government in Britain, the views of Stewart may also apply equally to Australian local government, when he argues:

The key problem of local democracy is the attenuated conception of representative democracy on which it is based, which allows little or no place for that participatory democracy which is the potential strength of local democracy. Representative democracy in local government is seen too often not merely as being dependent on the local election and of little more. The act of being a representative is sufficient, removing any need for a continuing process of representation. The Schumpeter conception of the democratic mode has tended to dominate the working of local authorities.³⁴⁵

³⁴¹ Neil Burdett, 'Public involvement in New South Wales Local Government', *Australian Journal of Public Administration*, 43, No. 3 (1984): p.296.

³⁴² Bowman, *Local Democracies: A Study in Comparative Local Government*, p.180.

³⁴³ *Ibid.*, p.182.

³⁴⁴ *Ibid.*, p.165.

³⁴⁵ Stewart, 'Democracy and Local Government', p.47-48.

It could be argued that these comments are equally applicable to the general working of local democracy in Australia, as its focus has also revolved around the selection of elected representatives, and an otherwise passive role for citizens, as Schumpeter and others assert is appropriate (2.2.1). Indeed, for many Australian councils, the ideal citizen may well have been described as actively contributing to the electoral process by voting, but did 'not otherwise constitute a nuisance by trying to interfere in the deliberative processes of the governing body of representatives.'³⁴⁶ Moreover, such attitudes have contributed to a view by some elected representatives, that broader attempts at community consultation may be both time consuming and irrelevant.³⁴⁷ Given the desire of those generally in power to maintain the status quo, these conservative attitudes towards direct forms of citizen participation could be expected.

It can be argued therefore, that for a number of reasons, Australian local government has historically maintained an emphasis on purely representative democracy. This does not however, equate to a system that did not use any participatory mechanisms to involve its citizens. For instance, writing in 1981, Power, Wettenhall and Halligan claimed that the encouragement of citizens to work with councillors on committees was one primary way that councils involved citizens in decision making.³⁴⁸ Moreover, even the earliest local government legislation in Australia provided other ways for local government to involve citizens directly in its decision making. One option available under the New South Wales 1919 Local Government Act, for example, related to the establishment of small area committees. This act (which was subsequently replaced in 1993 with a new act),³⁴⁹ enabled the delegation of a wide variety of powers to either urban committees, or district committees. The urban committees contained at least three elected citizens (who could not be councillors), and were given 'any power of the council which it may exercise in the urban area.'³⁵⁰ Similarly, district committees were able 'to exercise or perform on behalf of the

³⁴⁶ F Emery, 'Toward Real Democracy and Toward Real Democracy: Further Problems' (Toronto: Ontario Ministry of Labour, 1989), p.5. Quoted by Lyn Carson, 'Converting good ideas into sound policy and practice: community consultation in local government' (Paper presented at the Reaching Common Ground Conference, 1998), p.1.

³⁴⁷ Ibid.

³⁴⁸ Power, ed. *Local Government Systems of Australia*, p.106.

³⁴⁹ Ed Wensing. 'The process of local government reform: Legislative change in the states.' In *Australian Local Government: Reform and Renewal*. Edited by Brian Dollery, Neil Marshall (Melbourne: Macmillan Education Australia, 1997), p.90.

³⁵⁰ Burdess, 'Public involvement in New South Wales Local Government', p.296.

council any power, duty or function of the council for or in relation to the local district.’³⁵¹ It is interesting to note as Burdess does however, that in NSW these committees were rarely used. Indeed, of the 185 responses from council clerks in 1979, no district committees were reported to be in use. A 1983 survey also revealed the use of only 16 urban committees, from a total of 113 shires. The fact that the restricted use of these committees was however, ‘largely the result of their being disliked by the local councils’,³⁵² further justifies the belief that Schumpeter’s view of politics was until at least the 1960’s, the dominant influence on local democracy in Australia.³⁵³

It can be seen then, that local governments in Australia began as service providers to ratepayers, demonstrating a corresponding understanding of who should be able to influence local affairs. One potential consequence of this is that local democracy has been relatively weak, if voting statistics and the apparent disinterest of the majority of citizens is any indication. Furthermore, it has been suggested that local politics has historically been dominated by a conservative male elite, with relatively few opportunities provided for direct citizen participation in local affairs beyond the act of voting, or perhaps protest. Many local governments have, however, moved away from their representatively elitist beginnings, by witnessing considerable changes including the scope of local government operations, and the services they provide. The second section of this chapter will address the modernisation of local government, and shows how this processes has impacted upon the established model of representative local democracy.

³⁵¹ Ibid.

³⁵² Ibid. This was well below the 38 in existence in 131 shires in 1953. Ibid., p.297.

³⁵³ Local governments retain in their new legislation, the ability to create ‘special committees’ of council, as evidenced by the Tasmanian and NSW case studies, and the Victorian Local Government Act of 1989. Victorian Local Government Act 1989. Other statutory provisions for public participation within early local government legislation included polls of electors. Burdess, ‘Public involvement in New South Wales Local Government’, p. 298.

4.1.2 Modern local government: a democracy for citizens

4.1.2.1 Expanded services and the power of general competence

As demonstrated above, local government began as a provider of a reasonably limited range of services to property. This situation changed considerably in the early 1970s, however, as the federal Whitlam Labor government supplied a considerable injection of funding to not only broaden the funding base, but also allow local councils to diversify the range of services they provided. Thus local governments were able to consider quality of life issues and general considerations of community well-being. Local initiatives such as child care, tourism, urban renewal and recreation therefore became a part of the functions of many councils. The funding of these activities continued between 1973 and 1983 under the Fraser Liberal government, when they were further institutionalised under special purpose grants directed away from infrastructure and towards social services.³⁵⁴ While the Australian Bureau of Statistics now publishes regular tables on local government expenditure, McNeil argues that their broad classifications make it difficult to ascertain the actual functions currently performed. Nevertheless, notwithstanding differences between states, she suggested that by 1993-94, local governments were performing functions across a range of areas. This included more traditional services such as street parking, roads, and water supply, but also a long list of more recent functions that include public order and safety (e.g. fire protection services, animal protection and beach inspections); pre-school and adult education; health care (for children, women, the handicapped and school dental programmes); welfare (including support for play centres and nursing homes); housing and community development; libraries and museums; recreation; and sanitation and the protection of the environment.³⁵⁵

The broader range of services and federal support has seen an improvement in local government's status within the federation,³⁵⁶ although its powers are still derived from

³⁵⁴ McNeil. 'Local Government in the Australian federal system', p.26-27.

³⁵⁵ Ibid., p.28-32. Despite the broadening of their functions, McNeil has suggested that local governments still do not however, have responsibility for any of the major social policy services of local interest, such as policing, schools, or hospitals, as is the case in most other federations. Ibid., p.29.

³⁵⁶ Marshall, 'Using Strategic Management Practices to Promote Participatory Democracy in Australian Local Government', p.37.

state legislation, primarily through a Local Government Act in each state. There are, however, other acts that confer a specific power or address a specific problem. In New South Wales for instance, current legislation which confers specific powers are the Environmental Planning and Assessment Act (1979), the Public Health Act (1991), the Roads Act (1993), the Noxious Weed Act (1993), the Impounding Act (1993) and the Water Supply Authorities Act (1987). All states have legislation similar to that of New South Wales.³⁵⁷

Although local governments still derive their powers and very existence from state legislation,³⁵⁸ one important change that occurred between 1989 and 1995 involved reform of state legislation³⁵⁹ away from the constricting legal principle of *ultra vires*, towards a form of general competence. This has (in theory) provided a greater degree of autonomy, as local governments may make laws and provide the corresponding services to their constituents. Consequently, the only current legal restrictions on a council's activities are that it cannot make local law that may not be made by the state parliament.³⁶⁰ McNeil states that:

In New South Wales, for example, instead of a detailed list of functions, it is left to the council, in consultation with the community, to determine what it will undertake, subject to resource constraints. The crucial idea is that a council will decide to undertake an activity according to whether it has community support and resources to do so, rather than whether or not it has the legal power to do so.³⁶¹

The benefits for local democracy appear considerable, as it not only enables councils to perform many of the services that its community wants, but may also encourage citizens 'to see in the local authority not one agency among many carrying out administrative tasks, but the corporate manifestation of the local community

³⁵⁷ McNeil. 'Local Government in the Australian federal system', p.21.

³⁵⁸ Rosemary Kiss, 'Are We Kidding About Local Autonomy? Local Government in Australia' (Paper presented at the Workshop on Local Autonomy and Local Democracy, Grenoble, 6-11 April 2001), p.10.

³⁵⁹ Aulich, 'From Convergence to Divergence: Reforming Australian Local Government', p.14.

³⁶⁰ Neil Marshall, 'Reforming Australian local government: efficiency, consolidation - and the question of governance', *International Review of Administrative Sciences*, 64, No. 4 (1998): p.646.

³⁶¹ McNeil. 'Local Government in the Australian federal system', p.22.

(collectivite locale) which is the first resort in case of local difficulty.³⁶² It seems logical, therefore, to assume that the greater autonomy and wider range of services provided by local authorities would also increase citizens interest in the activities and actions they undertake, and lead to a strengthening of local representative institutions. While this may have occurred during the expansionary period in the 1970s, Aulich argues that in reality, the nature and extent of the delegated powers has not changed significantly in any jurisdiction since the move towards a general competence power. Aulich claims there does not appear any significant change in the power relations between state and local governments, while no new functions have been undertaken by local government as a result.³⁶³ Furthermore, policy direction is expected to come from the states, and does so with the support or direction provided by state government departments of local government.³⁶⁴ As a consequence, even with the new legislation, local government continues as an institution of the state and territory governments, with reserved powers uniformly remaining with the higher tier.³⁶⁵

The continuing (if reduced) paternalism evident in state-local relations, and the associated emphasis on local government's functional value, has been well represented in further reform measures undertaken since the early 1990s. The broader range of powers offered to local government, and a corresponding recognition that local government could contribute to the nation's microeconomic and social justice strategies,³⁶⁶ brought greater expectations in terms of the sector's economic performance. As an extension of reforms occurring at the federal and state levels, each state ensured the reform of its municipal authorities between 1993 and 1996. Legislative changes beyond the general competence power included the adoption of corporate management frameworks and strategic planning practices, the development of a client-focused organisational culture, and specific performance measures. The imposition of a business culture, through National Competition Policy principles such as competitive neutrality, has also seen some profit-making areas of councils

³⁶² Stewart, 'Democracy and Local Government', p.42.

³⁶³ Aulich, 'From Convergence to Divergence: Reforming Australian Local Government', p.14.

³⁶⁴ Kiss, 'Are We Kidding About Local Autonomy? Local Government in Australia', p.12.

³⁶⁵ Aulich, 'From Convergence to Divergence: Reforming Australian Local Government', p.14.

³⁶⁶ Marshall, 'Using Strategic Management Practices to Promote Participatory Democracy in Australian Local Government', p.37.

operations subject to the same market forces as private enterprise.³⁶⁷ Amalgamations have also been an important facet of the local modernisation process, and are discussed below.

While the above reforms were dominated by economic considerations, it should be recognised there was also a general concern to ensure that conditions enabling representative government, participation and access were maintained.³⁶⁸ Councils have therefore been asked to demonstrate increased transparency in their operations, provide further opportunities for community involvement in decision making, and better information about the activities undertaken. There has also been a clear definition made in legislation between elected representatives and council employees, with representatives responsible for setting future directions and policy outcomes.³⁶⁹ Other significant changes that have occurred in recent years, and which have consequences for the representative system, include alterations to the electoral system, and the participants in local democracy.

4.1.2.2 The participants in modern local democracy

As suggested above, a male elite, who have focused on ratepayer's demands, and overseen a system with generally low electoral turnouts and limited electoral competition, has traditionally dominated representative local democracy in Australia. A number of factors have, however, seen local government evolve beyond this narrow stereotype, and come to represent and involve a more diverse group of citizens.

For Halligan and Paris, this process of change began in the 1960s, when quality of life and environmental issues were raised by new community groups. This reflected the entry of large numbers of professionals into the arena of local politics, whose groups had a more 'cosmopolitan' or progressive outlook than the pre-existing progress

³⁶⁷ Marshall, 'Reforming Australian local government: efficiency, consolidation - and the question of governance', p.646.

³⁶⁸ Marshall, 'Using Strategic Management Practices to Promote Participatory Democracy in Australian Local Government', p.39.

³⁶⁹ Marshall, 'Reforming Australian local government: efficiency, consolidation - and the question of governance', p.646.

associations comprising local businessmen.³⁷⁰ This not only encouraged increased experimentation with a variety of modes of participation and open government,³⁷¹ but the growing interest in social and environmental issues also improved electoral competition in more urban areas.³⁷² Indeed, while there is limited data to support the assertion, it also seems that such changes have been accompanied by the election of a more diverse range of councillors and perhaps also, the interests they represent. For instance, the number of women elected in local government had reached between seven and eleven percent in each of the states in 1980, with clear increases in female numbers in Victoria for example, over the previous decade.³⁷³ More recently, a report prepared for the Australian Local Government Women's Association has suggested these numbers have increased with women comprising just under 30 percent of elected representatives, and 15 percent of Australian Mayors.³⁷⁴

In addition to these demographic changes, a number of other changes have occurred to alter the operation of local representative democracy. The first has been the introduction of universal postal voting, to encourage people to vote when turnout figures can be particularly low.³⁷⁵ First introduced in Tasmania, it is now compulsory in that state, and increased the average voter return rate from less than twenty percent, to just under sixty percent.³⁷⁶ This system has been promoted strongly in Victoria, is compulsory in South Australia, and is available in Western Australia and large rural council in Queensland. While it has seen large increases in those people choosing to vote, we may question whether this is a real achievement. As Kiss suggests, how strong is local government's connection with its community if a postal ballot is the only way to achieve an engagement between elected representatives and citizens? And how informed are citizens about local candidates if the main information they rely on to judge a candidate is the uniformly presented material provided with a postal vote? Furthermore, she asks: 'if this is the level of local government's connection

³⁷⁰ Halligan, ed. *Australian Urban Politics: Critical Perspectives*, p.63.

³⁷¹ *Ibid.*, ed.

³⁷² Bowman, *Local Democracies: A Study in Comparative Local Government*, p.177.

³⁷³ Chapman, *Australian Local Government: The Federal Dimension*, p.51.

³⁷⁴ Anne Dunn, 'National Framework for Women in Local Government' (Barton: Commonwealth Office of the Status of Women, 2001), p.1.

³⁷⁵ Kiss. 'Democracy or Community? Australian Local Government Electoral Reform', p.144.

³⁷⁶ Ralph Chapman. 'Intergovernmental relations.' In *Australian Local Government: Reform and Renewal*. Edited by Brian Dollery, Neil Marshall (Melbourne: Macmillan, 1997), p.59.

with the community, then it is not reform but revolution that is needed.'³⁷⁷ This is the feeling of Power and Wettenhall, who argued in 1981 that while postal voting deserved experimentation, what was required was a challenge to long held attitudes towards local government,³⁷⁸ rather than changes that simply give the impression of improving electoral effectiveness and democratic legitimacy.

The above observations should not be seen to suggest, however, that no change has occurred in the local government franchise. In 1981 for instance, it was noted that the municipal franchise in the six states gave the appearance of convergence towards the principle of one person, one vote. Evidence of this came in the form of an automatic voting entitlement for all residents over the age of 18 on state election rolls. Nevertheless with the exception of Queensland, this did not eliminate property based voting, despite the opportunity that legislative review presented all states since 1989 to abolish this practice. New South Wales for example, now exercises the principle of one person one vote, although non-resident landowners may also apply for a vote. However in some other states, multiple votes on the basis of property may still occur. In Tasmania for instance, although those eligible to vote on a property franchise must apply to be enrolled, it is possible for a person to exercise two votes in a municipal election. The inequities in voting are even more apparent in Victoria, where the Act does not limit the number of votes a person may cast, and enables multiple votes as one vote may be cast for each property owned within a ward. One municipality (Greater Geelong) is divided into twelve wards, allowing for a vote in each.³⁷⁹ As a consequence, some form of property voting still exists in varying degrees in all states, with the exception of Queensland, which rejected the property franchise as early as 1921.³⁸⁰

Given other changes to electoral practices, and the increased range of non-property related services, it can be argued that local government is no longer simply a democracy for ratepayers, and that there has been a decline in the ratepayer influence.³⁸¹ However, despite these changes being an improvement on the former

³⁷⁷ Kiss, 'Democracy or Community? Australian Local Government Electoral Reform', p.144.

³⁷⁸ Power, ed. *Local Government Systems of Australia*, p.106.

³⁷⁹ Kiss, 'Democracy or Community? Australian Local Government Electoral Reform', p.145-45.

³⁸⁰ *Ibid.*, p.145-46.

³⁸¹ Jones, *Managing Local Government: Leadership for the 21st Century*, p.140.

property franchise, it could still be argued that if local government is to appear to the public as equally representative of the entire community, then any voting on the basis of property should be completely abandoned. This may not entirely eliminate the feeling that local government is a democracy for ratepayers, as there will almost certainly remain a close mental connection between who pays for, and who benefits from local services.³⁸² Nevertheless, local governments' history and the persistence of property voting, continues to have an impact on some citizens' opinion of local government. As the Mayor of Waverley Municipal Council in NSW stated when interviewed in 2001:

You have got areas where the residential population doesn't seem to want to be involved...because there are a lot of people out there, particularly when you get outside the eastern suburbs and the inner city, where essentially it is still viewed as some sort of property franchise deal. And your renter in particular does not identify with the local council, because they see it as something that is not theirs.³⁸³

Given these attitudes exist in some sections of the population, obtaining widespread citizen involvement in council policies and activities may be unnecessarily challenging. The continued feeling that councils remain the bastion of the property owner may also go some way to explaining the frequently low (if improved) electoral turnouts, and the continued lack of interest in local politics by significant sections of the population. Another important change that has occurred in recent times, and that may have impacted upon citizens knowledge of, and involvement with, their local council, is the amalgamation of councils into larger units.

4.1.2.3 Amalgamations and larger councils

Amalgamations have been a consistent theme in Australian local government history, with the number of local authorities reduced from 1067 in 1910³⁸⁴ to 726 by 1998.

³⁸² Ibid.

³⁸³ Paul Pearce, Mayor of Waverley. Interview. Sydney, 5 October 2001.

³⁸⁴ Vince. 'Amalgamations', p.151.

Reforms incorporating amalgamations or resource-sharing have been particularly frequent in the 1990's with programs for amalgamation initiated in all six states, leading to a twenty five percent reduction in council numbers since 1991.³⁸⁵ Indeed, despite questionable economic benefits, the functional case for local government has had such a strong influence on Australian local government that council amalgamations in recent times have been described as 'a study of the theoretical field of economics.'³⁸⁶ The intention of amalgamations has been to create economies of scale, and more efficient and effective organizations.³⁸⁷ Efficiency has been viewed as paramount in recent times, given the fiscal challenges facing federal, state and local government.

While economic efficiency has been a significant rationale for all states in pursuing amalgamations, the degree to which issues of local democracy have been considered vary between states and over time. For instance, Western Australia, NSW and Queensland have been described as 'local democracy' states, where amalgamation has not been a central issue of reform, despite the encouragement and support of most state governments. Conversely in Victoria, Tasmania and South Australia, economic efficiency has supplanted local democracy as a primary consideration, leading to drastic changes in council numbers.³⁸⁸ The most dramatic example of this was in Victoria in the early 1990s, when a local government board was established to advise the minister on the efficiency and effectiveness of Victorian local government.³⁸⁹ With these changes in place, the Kennett government carried out little effective consultation with stakeholders, and presided over a reduction of council numbers from 210 to 78 in the space of just two and a half years.³⁹⁰ This process included a capping of rates and a reduction of local government budgets by 20 percent across the board. During this process, political and community opposition was blunted, with elected councillors replaced by state government appointed administrators for two

³⁸⁵ Marshall, 'Using Strategic Management Practices to Promote Participatory Democracy in Australian Local Government', p.496.

³⁸⁶ Vince, 'Amalgamations', p.152.

³⁸⁷ The notion of economies of scale is that larger units created by the amalgamation of various smaller ones, should be able to provide a similar standard of physical amenity while reducing fixed overheads. Ibid.

³⁸⁸ Aulich, 'From Convergence to Divergence: Reforming Australian Local Government', p.16-17.

³⁸⁹ Vince, 'Amalgamations', p.157-59.

³⁹⁰ Ibid., p.159; and Aulich, 'From Convergence to Divergence: Reforming Australian Local Government', p.17.

years. Moreover, the management and appointment of the new CEOs was carried out by the state government alone,³⁹¹ rather than locally elected members.

Three primary reasons have been provided by Marshall to explain the dominance of economic considerations in the reform processes of some states. The fact that economic considerations are far easier to quantify than democratic ones gives them greater influence in amalgamation debates. This makes concepts such as 'communities of interest' relatively easy to shape into formats that are compatible with economic objectives. Similarly, issues relating to local authority size, representation, and participation are difficult to assess. For instance, while there was general agreement with the statement that community representation was enhanced in smaller councils and reduced in extremely large ones, the available literature provided few quantifiable indicators to measure effective representation. Thus it was felt that reductions in formal representation could be replaced with other consultative mechanisms.³⁹² The reduction in councillor numbers in the failed Tasmanian reforms for example, were justified as 'the capacity for formal contact between Councillors and constituents...is of course only one of a number of ways in which elected members inform themselves about the views and concerns of residents.'³⁹³

According to Marshall, arguments against amalgamations on the basis of size were therefore effectively neutralised. This was particularly effective given that other mechanisms to involve the community were recommended by all states, such as community forums, customer service centres, and newsletters. Their effectiveness as a means of both informing and understanding community views is questionable, however, given the lack of detail surrounding their implementation, and the fact only Tasmania recommended district committees³⁹⁴ following amalgamations in 1992. Furthermore, the use of strategic and corporate planning documents were viewed as

³⁹¹ Ibid.

³⁹² Marshall, 'Reforming Australian local government: efficiency, consolidation - and the question of governance', p.651-52.

³⁹³ Local Government Board, '1997 Review of Councils Final Report Volume One' (Hobart: Tasmanian Local Government Board, 1997), p.44.

³⁹⁴ Marshall, 'Reforming Australian local government: efficiency, consolidation - and the question of governance', p.653. In some cases these were subsequently disbanded within a few years. Ivan Zwart. 'Local Government Amalgamation in Tasmania.' Unpublished Honours Thesis, University of Tasmania, 1997: p.47.

central to the encouragement of community participation and open policy processes, and are discussed in greater detail below (4.1.2.5).³⁹⁵

Another factor contributing to, or allowing for the dominance of economic objectives, has been the general public apathy shown towards amalgamation impacts in Australia. With the exception of elected councillors who have opposed proposed changes by the states, only a minor reaction has been forthcoming from the wider public. Indeed, the subdued reaction in Victoria where councillors were replaced with appointed commissioners, helps to illustrate the poor health of local democracy in Australia.³⁹⁶ Kiss argues:

The sacking of properly elected councils and the replacing of them by appointed commissioners is unlikely to have been tolerated in most other democratic systems. That it was possible in Victoria reveals the historical weakness of local government.³⁹⁷

Public reactions in other states were generally commensurate with those in Victoria. The Western Australian inquiry for instance, was 'surprised' and 'disappointed' at the limited response from groups and individuals when reforms were proposed, while in South Australia there was 'little response' from constituents.³⁹⁸ As Marshall argues, the apathetic attitude apparent towards local governance issues enabled greater flexibility for state committees in their treatment.³⁹⁹ The difficulty in assessing changes following amalgamations,⁴⁰⁰ and the corresponding dearth of information on amalgamation outcomes, has also ensured assumptions that economies of scale will be

³⁹⁵ Marshall, 'Reforming Australian local government: efficiency, consolidation - and the question of governance', p.653.

³⁹⁶ Ibid.

³⁹⁷ Rosemary Kiss. 'Governing Local Communities - Top Down or Bottom Up? The Case of Victoria.' In *Local Government Restructuring in Australasia*. Edited by Ralph Chapman, Haward, Marcus, Ryan, Bill (Hobart: Centre for Public Management and Policy, 1997), p.72. The state government even received some support for the continuation of the commissioners, due to the perception that councils were being run more efficiently. Marshall, 'Reforming Australian local government: efficiency, consolidation - and the question of governance', p.653.

³⁹⁸ Ibid., p.654.

³⁹⁹ Ibid.

⁴⁰⁰ For instance, financial analysis of Victorian amalgamations was made particularly difficult as amalgamations occurred at the same time as the introduction of CCT. Consequently, the Australian Bureau of Statistics suspended its reporting of Victorian local government finances in 1994-95. Kiss. 'Governing Local Communities - Top Down or Bottom Up? The Case of Victoria', p.58.

achieved without effecting governance values, have not been widely challenged.⁴⁰¹ While measuring such implications may be difficult, some assertions can be made regarding amalgamations and local representative democracy.

4.1.2.4 Amalgamations and elected representation

Following a similar argument to John Stuart Mill, Stewart has argued that:

One of the qualities of local government is that it makes possible a density of local representation that is impracticable at the national level. Not only can this involve far more people directly in the process of government, it can mean that far more people are in contact with an elected representative.⁴⁰²

Perhaps the most obvious outcome of local government consolidation has been a considerable reduction in the number of elected representatives in all Australian states. For instance, with the number of councils in Tasmania falling from 46 to 29, there was a corresponding 37 percent reduction in councillor numbers from 460 to 288. South Australia endured a 31 per cent reduction of councillors from 1100 to 760, when its council numbers fell from 118 to 76. An even more dramatic 73 percent reduction in councillors occurred in Victoria, when its 210 councils were reduced to 78.⁴⁰³ It follows that there has been a corresponding increase in the ratio of electors to councillors. The post amalgamation ratios are represented in Table Four.

⁴⁰¹ Marshall, 'Reforming Australian local government: efficiency, consolidation - and the question of governance', p.654. Some analysis of Tasmanian council amalgamations in the early 1990s was carried out and showed administrative cost savings of between ten and fifteen percent. For an explanation of the outcomes of this highly consultative process, see Marcus Haward, Zwart, Ivan, 'Local Government in Tasmania: Reform and Restructuring', *Australian Journal of Public Administration*, 59, No. 3 (2000).

⁴⁰² Stewart, 'Democracy and Local Government', p.44.

⁴⁰³ Kiss, 'Democracy or Community? Australian Local Government Electoral Reform', p.141.

Table 4: Average Ratio of Councillors to Population by State⁴⁰⁴

State	Ratio	No councils	No councillors	Population
NSW	1: 3643	173	1760	6 411 700
Tasmania	1:1633	29	288	470 300
Victoria	1: 8000	78	589	4 712 200
SA	1: 1965	76	760	1 493 100
WA	1: 1333	142	1396	1 861 000
Queensland	1: 2405	135	1460	3 512 400
Total	1: 2952	633	6253	18 460 700

To put these ratios in perspective, the Australian average of one councillor for every 2952 citizens may be compared with some European countries, where France (1: 116), Germany (1: 250) and Portugal (1: 1125) all have far more local representation per capita than Australia.⁴⁰⁵ The implications for local democracy of having fewer councillors is, however, debatable.

According to Stewart, maintaining comparatively few councillors may lead to local government unable to achieve a form of representative democracy based on closeness of contact, that is 'markedly different from that necessitated by Parliament's remoteness.'⁴⁰⁶ Opposing the development of larger councils and reductions in elected representation therefore, is a feeling that people may lose their relationships with councillors in larger municipalities, as the likelihood of informal contact with them is reduced.⁴⁰⁷ Indeed, this view is supported by studies indicating greater voter turnout and candidate knowledge in smaller authorities.⁴⁰⁸ It would appear the loss of informal contact is particularly the case in rural shires and towns, which often have widely dispersed populations within large geographical areas. A rural area in Eastern Victoria for example, saw five municipalities restructured into one, with a

⁴⁰⁴ Ibid. A further ninety three councils in Australia are in the Northern Territory and Australian Capital Territory.

⁴⁰⁵ Ibid.

⁴⁰⁶ Stewart. 'Democracy and Local Government', p.44.

⁴⁰⁷ Kiss. 'Democracy or Community? Australian Local Government Electoral Reform', p.142.

⁴⁰⁸ Ibid., p.143. Experience in Sweden suggests direct public interest and involvement in local government may decline after an authority reaches only about 8000 people. Jones, *Managing Local Government: Leadership for the 21st Century*, p.140. Research conducted by Carson in Lismore is also supportive of this view. It revealed that only 68% of respondents could remember who they voted for in the 1999 local government election, while only 37% could name one or no councillors. Carson, 'Consultation in the Lismore Local Government Area: Analysis of Telephone Survey Conducted May/June 2000', p.1. This was in a council of approximately 43 000 citizens covering an area of 1267 square kilometres. Lismore City Council. *City Statistics*, Lismore City Council, 2003 [Cited 20 May 2003]. Available from <http://www.liscity.nsw.gov.au/article.asp?ArticleID=241>

corresponding reduction in councillor numbers from 57 to 6.⁴⁰⁹ Given parties are generally not visibly active in local government, and affiliations rarely declared, there is a corresponding need for electors to have reliable information about a candidate seeking local office. All things being equal, however, the larger size of each council area would appear to reduce the possibility of gaining reliable knowledge of a candidate.⁴¹⁰

From the perspective of the elected representative, having larger electorates has the potential to not only weaken their link with the community, but also ensure there are greater demands placed on their time. As Chapman and Aulich suggest:

...in populations of less than 5,000, 10% of the elected members spend more than 9 hours per fortnight on council work; this increased steadily up to 50% in authorities of 30,000.⁴¹¹

With the increased workload comes the likelihood that only those without significant family or work commitments will be able to commit to this form of public service. Moreover, without party support and the values implicit with party identification, the work required to become elected may favour those with greater resources. Thus the lack of party support for prospective councillors means they must have both the abilities and the funds to campaign, on a stage similar in size to a state or national electorate. This exercise may be costly, with the likelihood that wealthy candidates will dominate given similar public activity.⁴¹²

There is a view then, that amalgamations may reduce the linkage between the electors and the elected, and increase the time required to fulfil the duties of an elected representative.⁴¹³ Marshall, however, argues that if surveys of constituents are any guide, most constituents do not feel that amalgamations have adversely affected local

⁴⁰⁹ Kiss, 'Democracy or Community? Australian Local Government Electoral Reform', p.142.

⁴¹⁰ Ibid.

⁴¹¹ Ibid., p.143.

⁴¹² Ibid., p.142.

⁴¹³ Furthermore, the fewer number of representatives places elected staff in a relatively strong position, as it requires each councillor to gain a comparatively greater degree of information if staff are to remain accountable. For a further discussion of the impacts on councillors of amalgamations and strategic management, see Ibid.

democracy. In Tasmania, South Australia and Victoria, surveys revealed between thirty and forty percent of respondents believed they were adequately represented in the larger authorities. A small percentage felt there were insufficient councillors, while between fifteen and thirty percent suggested there were too many. Importantly, between twenty and fifty percent stated they were unsure if their municipality had a sufficient number of elected representatives.⁴¹⁴ This is perhaps a predictable response given the uncertain nature of this issue, and the general apathy towards local government in Australia.

One factor which has the potential to at least partially offset the loss of elected representatives in local government, and of primary concern to this thesis, is a gradual move towards the use of participatory or deliberative forms of decision making in at least some local governments.

4.1.2.5 Public participation and legislative change

As demonstrated earlier in this chapter, local government has traditionally been understood as a relatively closed administrative system, with a general focus on purely representative local democracy, and only limited experimentation with more participatory modes of decision making. Over the past three or four decades, however, there has been a growing trend towards more open and deliberative local governments, which in many cases, now actively encourage citizens to participate and directly influence decisions that affect their lives. For Halligan and Paris, this process followed the gradual expansion of local services in the 1960's, and conflict between various sections of the community. Consequently, they argue higher expectations were placed on local governments to consult with their communities, and various consultative processes were used to improve communication between the public and the elected members.⁴¹⁵ Similarly, Bowman and Hampton noted in 1983, that among the larger metropolitan councils, there was 'a growing concern to foster participation through the use of consultative committees, committees of management and the

⁴¹⁴ Marshall, 'Using Strategic Management Practices to Promote Participatory Democracy in Australian Local Government', p.50.

⁴¹⁵ Halligan, ed. *Australian Urban Politics: Critical Perspectives*, p.64.

involvement of residents in land-use planning and in the planning and delivery of community-based leisure and welfare services.⁴¹⁶ One well documented example of this was at the North Sydney Council, where a primarily residential community was hostile to an apparently secretive council's plans to build a large development on council land. Following community protest, a new council was elected that demonstrated a strong commitment to community participation, and oversaw the development of Australia's first precinct system,⁴¹⁷ upon which the Glenorchy precinct system (Chapter Six) is based.

Although demands for a more inclusive and open system of local government have come from local citizens in some instances, legislative reforms in the 1990's were also significant in forcing local governments to become more open, accountable, and to some extent, encouraging of citizen involvement in decision making. As Wensing suggests, a number of changes occurred to this end in all states. These included:

- Providing for more accountability in council's decision making, in terms of the resources they use and their achievements. This is achieved by developing and publishing strategic plans, preparing annual or rolling corporate and/or operational plans, and publishing annual reports and summaries of financial statements;
- Introducing or widening transparent and open procedures for decision making, to better inform local communities about council actions and decisions, and generally encourage community participation;

⁴¹⁶ Bowman, *Local Democracies: A Study in Comparative Local Government*, p.179.

⁴¹⁷ Jones, *Managing Local Government: Leadership for the 21st Century*, p.151. There are a number of other councils in Australia that have subsequently employed these, although establishing an exact number is difficult given no studies have been conducted, or official figures maintained. Nevertheless, it can be stated that the Fremantle City Council in Western Australia has a precinct system, while there are at least four councils in New South Wales who operate them (being Wollongong, Manly, North Sydney and Waverley). Glenorchy (Chapter Six) is currently the only Tasmanian council with a precinct system.

- Redefining the roles of councillors and staff to ensure that (a) elected members are ultimately responsible for decision making; and (b) senior managers and staff report to council through a general manager or chief executive.⁴¹⁸

This cursory explanation of changes to encourage more accountable government does not, however, explain the effectiveness of such measures in promoting citizen involvement in council decision making, and compensating for the loss of representation that resulted from the amalgamation of councils. During the process of boundary review for instance, all states did explore a number of approaches to public participation. Tasmania, South Australia, Western Australia and even Victoria considered proposals to establish district committees,⁴¹⁹ along the lines of those formerly used and similar to the precinct system of Glenorchy City Council (Chapter Six). Indeed, both Tasmania and South Australia subsequently included provisions within their local government acts to allow merged councils to develop these arrangements if they wished. Other suggestions included customer service centres in Queensland, and public forums and newsletters in Western Australia. Importantly however, Marshall and Sproats note that 'these remained suggestions only',⁴²⁰ and that measures in state legislation designed to promote citizen participation have been 'limited largely to openness of council meetings, public access to documents, and the holding of polls and referenda.'⁴²¹ Consequently they argue, while 'there was general support for the idea of participatory democracy' among the state review committees, they 'lacked serious commitment to the issue.'⁴²² This could be expected, given that considerations regarding democracy were secondary to those of economic performance.⁴²³

⁴¹⁸ Wensing. 'The process of local government reform: Legislative change in the states', p.36-37.

⁴¹⁹ Neil Marshall, Sproats, Kevin, 'Democracy and Management: Some Reflections on the Outcomes of Australian Local Government Reform' (Paper presented at the Australasian Political Studies Association Conference, Sydney, September 1999), p.8.

⁴²⁰ Ibid., p.9.

⁴²¹ Ibid.

⁴²² Ibid.

⁴²³ In the UK, a survey conducted of its local authorities revealed the widespread use of a vast range of mechanisms for citizen participation. Richard Curtin. *What Role for Citizens in Developing and Implementing Policy?*, Australian Public Policy Research Network, 2003 [Cited 10 May 2003]. Available from www.apprn.org These included 'aggregative' mechanisms such as service satisfaction surveys, to more deliberative ones including citizen's panels, visioning exercises and citizen's juries. Unfortunately no research has been conducted in Australia that provides similarly detailed information, and thus generalisations such as those provided in this chapter must be relied upon. Nevertheless, it is clear that although mechanisms such as citizen's juries and precinct systems (described in the case studies) are increasingly used, they remain relatively rare. For instance, while six percent of UK local

According to Marshall and Sproats, rather than a comprehensive exploration of mechanisms which could actively promote citizen participation, and compensate for the 'representational deficit' following amalgamations, what emerged was a focus on strategic management processes to enable community participation in decision making.⁴²⁴ The effectiveness of such measures for involving citizens in council decision making is, however, questionable. For instance, the initial stage in the strategic management process in local authorities is to ascertain the values and interests of citizens, in order to establish organisational objectives. Given this is the case, it is perhaps concerning that of the 25 councils surveyed by Marshall and Sproats, only 60 percent made some attempt to evaluate the needs of citizens. More importantly, only two councils did so before determining objectives!⁴²⁵ Such trends may also be apparent in other states, particularly in Victoria, where the rapid rate of change expected has led to 'a pragmatic and compliance oriented response from councils.'⁴²⁶ The management focus may be narrowed to operational activities such as service delivery, to the detriment of the broader interactive elements of the strategic process. Combined with greater demands for councils to demonstrate improved financial performance,⁴²⁷ it seems considerations of equity and inclusion were always likely to suffer. Therefore, Marshall and Sproats argue that while councils are generally better informed about the nature of public opinion than previously, and many authorities do engage with their citizens:

...it remains the case that – in the great majority of instances – municipal priorities are determined by appointed officials with perhaps only marginal input from the public. It is a situation that falls somewhat short of the environment envisaged by the reforms of the 1990s.⁴²⁸

authorities surveyed in 2001 used a citizens jury, in the absence of a definitive survey thus far, only two Australian councils appear to have done so to date.

⁴²⁴ Marshall, 'Democracy and Management: Some Reflections on the Outcomes of Australian Local Government Reform', p.10.

⁴²⁵ Ibid., p.14.

⁴²⁶ Chris Aulich. 'Competitive Tendering - its Impact in Selected Victorian Councils.' In *Local Government Restructuring in Australasia*. Edited by R Chapman, Haward, M, Ryan, B (Hobart: Centre for Public Management and Policy, 1997), p.153. Quoted by Marshall, 'Reforming Australian local government: efficiency, consolidation - and the question of governance', p.649.

⁴²⁷ Ibid., p.648-49.

⁴²⁸ Marshall, 'Democracy and Management: Some Reflections on the Outcomes of Australian Local Government Reform', p.14.

This depiction of strategic processes given by Marshall and Sproats should not, however, be seen as indicative of all strategic planning processes, and their ability to directly involve citizens. For instance, two Tasmanian examples are illustrative of councils which have undertaken relatively widespread and in-depth consideration of citizen views, as part of their strategic planning. The Launceston City Council for example, recently invited a number of citizens to be involved in a 'future search' process, to develop council priorities until the year 2010.⁴²⁹ Along similar lines, the Glenorchy City Council (Chapter Six) also created a 'Community Plan', through a process involving over fifty community meetings.⁴³⁰ These meetings were undertaken over two stages, the first of which identified problems and issues to be addressed, while the second identified solutions or actions to be undertaken. As a consequence, this two-stage process gave all citizens an excellent opportunity to directly discuss and influence the future direction of their council.⁴³¹ Another example where deliberative processes have been used for strategic planning purposes is Brisbane City Council, where a Resident Feedback Panel (RFP) was used in a series of visioning exercises and focus groups, regarding issues such as traffic and transport.⁴³² Given that strategic planning is now required in all states, it seems safe to assume there exist many other examples where councils have successfully involved their citizens in relatively open and deliberative processes such as these. Therefore, it can be argued that at least some local governments have succeeded in their general objective of moving from a representative to a participatory form of democracy.⁴³³

⁴²⁹ Bob Campbell, Launceston City Council General Manager. Interview. Bronte, 10 August 2000. For a good description of future search processes, see Marvin Weisbord, Janoff, Sandra, *Future Search: An Action Guide to Finding Common Ground in Organizations and Communities*, Second ed. (San Francisco: Berrett-Koehler, 2000).

⁴³⁰ Glenorchy City Council, 'Glenorchy City Community Plan: A Blueprint for the Future' (Glenorchy: Glenorchy City Council, 2000).

⁴³¹ Glenorchy City Council, Councillors. Interviews. Glenorchy, 12 April-28 May 2001.

⁴³² Lyn Carson, Gelber, Katharine, 'Ideas for Community Consultation: A discussion on principles and procedures for making consultation work' NSW Department of Urban Affairs and Planning, 2001), p.50. The 'Your City Your Say' RFP involved the registration of around 6500 citizens, following an invitation for all citizens to join. For a further explanation of RFP's, see Ibid.

⁴³³ Marshall, 'Democracy and Management: Some Reflections on the Outcomes of Australian Local Government Reform', p.7.

4.2 Before Moving On

This chapter has argued that historically at least, the model of local government that has operated in Australia may be seen to represent a polyarchical or purely representative form of democracy. The elitist and poorly supported representative system that began in Australia has, however, undergone considerable changes since its inception around the beginning of the twentieth century. Some of these changes, such as the provision of a greater range of services and an extension of the democratic franchise, have arguably increased citizen interest in local issues, and strengthened the system of representative democracy. Other changes such as the introduction of postal voting have occurred with this intent, although their success in strengthening local democracy is more debatable. Further adjustments in the form of amalgamations, have arguably reduced the ability of councils to understand and represent their citizens interests.

It has been shown then, that although a commitment to representative democracy remains, pressures from both citizens and state governments have also led at least some councils, to embrace methods of decision making with a greater emphasis on citizen participation and deliberation. Perhaps the most significant driver behind more participatory or deliberative forms of decision making at the local level, however, is local government's increasing role as an environmental manager. Consequently, Chapter Five addresses the emergence of environmental issues at the local government level, and the subsequent focus on deliberative or participatory methods to resolve them. This not only provides further context for the case studies that follow, but shows how some of the assumptions of green deliberative theory of Chapter Two, have extended into the realm of local environmental decision making.

Chapter 5

Public Participation and the Greening of Local Government

5.0 Introduction

As Chapter Four demonstrated, while local democracy in Australia has generally relied upon its representative structure, a range of factors has seen local government provide greater opportunities for more direct forms of citizen participation to occur. One factor that has also increased both the potential for, and use of participatory or deliberative mechanisms in local government, has been the growing role that local government is playing in addressing environmental or sustainability issues. This Chapter discusses these developments, and in doing so, provides further context for, and justification of, the evaluation of deliberation's environmental credentials in the chapters that follow.

In order to adequately explain the emergence of local government as an important player in addressing environmental issues in Australia, the chapter is divided into three sections. Given discussions regarding the natural environment are now embedded in the concept of sustainability or sustainable development, the first section addresses the emergence of this highly contested concept, and its links with public participation. This includes an outline of two interpretations of the concept, and the associated place of public participation within them. The chapter then moves on to briefly outline the articulation of sustainable development in Australia, and demonstrate that local government has emerged as an important player in addressing such issues. In doing so, it is argued that the commitment to public participation and deliberation that is considered vital in some understandings of sustainability (and of course, by deliberative democrats) is also evident at the local level. This is particularly evident as the chapter moves into its third and final section, which discusses the emergence of 'Local Agenda 21' and its implementation in Australian councils.

5.1 Sustainability and Sustainable Development

Despite the numerous and perhaps competing interpretations of the concept's source,⁴³⁴ most commentators agree that a watershed for the concept of sustainability occurred at the international level in 1980, via the International Union for the Conservation of Nature (IUCN) *World Conservation Strategy* (WCS). Combining wildlife protection with the maintenance of life support in the form of air and water quality, the WCS required a response from all national governments, and was arguably the first global statement about sustainability, as it included the concept of sustainable utilisation of resources.⁴³⁵ The WCS identified three vital ingredients to sustainability; the maintenance of essential ecological processes; the preservation of genetic diversity; and ensuring the sustainable utilisation of species and ecosystems.⁴³⁶ These components could be seen to reflect concerns with natural ecological limits raised in the *Limits to Growth* report from the Club of Rome of 1972,⁴³⁷ which incidentally, encouraged writers such as Ophuls and Heilbroner (1.1.1) to favour a strongly authoritarian state. As Lafferty and Langhelle suggest, there was a similarly deterministic message that limits on human development would be set by ecological principles and the environment in general, regardless of what humans do.⁴³⁸

Since the early 1980's, the concept of sustainability has moved on from its initial focus on natural processes to encompass social, political and economic

⁴³⁴ As a specific notion, O'Riordan claims that sustainability probably first appeared 'in the Greek vision of "Ge" or "Gaia" as the Goddess of the Earth, the mother figure of natural replenishment.' O'Riordan. 'The Politics of Sustainability.' In *Sustainable Environmental Economics and Management: Principles and Practice*. Edited by R.K. Turner (London: Belhaven Press, 1993), p.44. Nevertheless, the need to contain human resource use within the planet's natural boundaries was subsequently recognised in German forestry in the eighteenth and nineteenth centuries. William Lafferty, Langhelle, Oluf. 'Sustainable Development as Concept and Norm.' In *Towards Sustainable Development: On the Goals of Development - and the Conditions of Sustainability*. Edited by William Lafferty, Oluf Langhelle (Houndsmills: Macmillan Press Ltd, 1999), p.4. Similarly, the term 'sustainable utilisation' was coined by ecologists following a similar recognition in the US by Gifford Pinchot. The term then found its way into economics in the early 1960s, through Ciriacy-Wantrup and the concept of 'safe-minimum standard', while a form of ecological morality was applied to guide the concept for Frankel, in 1976. O'Riordan. 'The Politics of Sustainability', p.45-48.

⁴³⁵ Ibid., p.48-49.

⁴³⁶ Lafferty. 'Sustainable Development as Concept and Norm', p.6.

⁴³⁷ Timothy Luke. 'Sustainable development as a power/knowledge system: the problem of 'governmentality'.' In *Greening Environmental Policy: The Politics of a Sustainable Future*. Edited by Frank Fischer, Black, Michael (New York: St Martin's Press, 1995), p.22.

⁴³⁸ Lafferty. 'Sustainable Development as Concept and Norm', p.6.

considerations. At the international level, this began with criticism of the WCS report, as it primarily focussed on the natural limits to growth, and did not adequately address the social and political causes of such environmental problems.⁴³⁹ Thus, it seems the WCS focus on ecological sustainability ensured that from at least some circles, the concept of sustainability was in need of re-examination and re-definition. This was to come internationally in 1987, when the World Commission on Environment and Development (WCED) declared in *Our Common Future*, that 'sustainable development'⁴⁴⁰ should be the priority objective of all economic policy.⁴⁴¹ The Brundtland Report as it became known was not, however, characterised by the same degree of ecological determinism as the WCS,⁴⁴² as it involved a far broader interpretation of sustainability, that included the notion of development. Hence the original notions of ecological sustainability were recast towards making 'development' sustainable.⁴⁴³

Brundtland argued the critical objectives that followed from the concept of sustainable development included reviving growth; changing the quality of growth; meeting essential needs for jobs, food, energy, water, and sanitation; ensuring a sustainable level of population; conserving and enhancing the resource base; reorienting technology and managing risk; and merging environment and economics in decision making.⁴⁴⁴ Thus Brundtland systematically linked numerous issues that had previously been treated in relative isolation, or as competitors. For some, this has been viewed as Brundtland's main accomplishment, as it 'developed a vision of the simultaneous and mutually reinforcing pursuit of economic growth, environmental improvement, population stabilization, peace, and global equity, all of which could be maintained in the long term.'⁴⁴⁵ Therefore, under the Brundtland conception of sustainable development we can, as Dryzek suggests, have it all. Economic growth, environmental conservation and social justice are all considered achievable, not only

⁴³⁹ Sharachchandra Lele, 'Sustainable Development: A Critical Review', *World Development*, 19, No. 6 (1991): p.610.

⁴⁴⁰ Phil McManus, 'Contested Terrains: Politics, Stories and Discourses of Sustainability', *Environmental Politics*, 5, No. 1 (1996): p.50-52.

⁴⁴¹ Peter Hay, *Main Currents in Western Environmental Thought* (Sydney: UNSW Press, 2002), p.212.

⁴⁴² Lafferty, 'Sustainable Development as Concept and Norm', p.6.

⁴⁴³ McManus, 'Contested Terrains: Politics, Stories and Discourses of Sustainability', p.52.

⁴⁴⁴ World Commission on Environment and Development, *Our Common Future* (Oxford: Oxford University Press, 1987), p.49.

⁴⁴⁵ John Dryzek, *The Politics of the Earth: Environmental Discourses* (Oxford: Oxford University Press, 1997), p.126.

now, but into the future. Painful changes are not required, and the message of gloom emanating from the survivalist notions⁴⁴⁶ of the *Limits to Growth* is almost forgotten.

This ability to link issues together despite their potential for conflict or contradiction even extended to the issue of democracy. For instance, while Brundtland clearly articulated a vision that envisaged long term planning and environmental protection, it also demonstrated a commitment to democracy and public participation in decision making. The Brundtland Report argued that:

The law alone cannot enforce the common interest. It principally needs community knowledge and support, which entails greater public participation in the decisions that affect the environment. This is best secured by decentralizing the management of resources upon which local communities depend, and giving these communities an effective say over the use of these resources. It will require promoting citizens' initiatives, empowering people's organizations, and strengthening local democracy.⁴⁴⁷

It appears then, that Brundtland assumes that the best chance of achieving sustainable development is to involve citizens in its articulation. We can of course ask, what should occur if these citizens do not use the resources upon which they depend, in a manner that is ecologically sound? Importantly however, the Brundtland Report does not provide answers on how value conflicts such as these should be resolved, but rather, simply assumes that they do not arise.⁴⁴⁸ For Ophuls and Heilbroner, the answer to such issues was obvious, although clearly a 'sustainable dictatorship' was not as Lafferty and Langhelle assert, within the normative scope of the Brundtland Report.⁴⁴⁹

Despite (or perhaps because of) its ability to avoid these difficult questions, the status of the concept of sustainable development continued to grow with the Brundtland

⁴⁴⁶ Ibid., p.132.

⁴⁴⁷ World Commission on Environment and Development, *Our Common Future*, p.63.

⁴⁴⁸ Lafferty, 'Sustainable Development as Concept and Norm', p.15.

⁴⁴⁹ Ibid.

Report's successor, *Agenda 21*.⁴⁵⁰ *Agenda 21* was the result of the United Nations Conference on Environment and Development (or Rio Earth Summit) of 1992.⁴⁵¹ The conference represented a global reporting-back of progress since 1987, with *Agenda 21* being viewed as a workable plan of action,⁴⁵² whose categories match to a large degree, those established by the Brundtland Commission. *Agenda 21* addresses in 40 chapters and 470 pages, topics varying from radioactive waste to 'children and youth in sustainable development',⁴⁵³ and like Brundtland, devotes a considerable number of its pages to issues other than environmental degradation. Indeed, Lafferty claims that a quick analysis of the guidelines for its measurement, indicate it is more concerned with issues of political and economic relevance, than with issues related to the natural environment.⁴⁵⁴ Included among these issues was a commitment to participatory modes of decision making, to the extent that while Brundtland clearly expressed a desire for democratic decision making, the release of *Agenda 21* 'elevated participatory processes to a new level.'⁴⁵⁵

At this point, many in the environmental movement at least, were of the view that the goal of sustainable development (or what they held to mean ecological sustainability) had been completely sabotaged, and become somewhat of an oxymoron. Moreover, those holding this view argue that the lack of precision in its definition has been a deliberate ploy to leave the concept open to infinite manipulation,⁴⁵⁶ rendering it an empty catch-all phrase.⁴⁵⁷ Consequently for some, the concept of sustainable development has lost its initial concern with environmental sustainability, and become:

⁴⁵⁰ William Lafferty, 'The Politics of Sustainable Development: Global Norms for National Implementation', *Environmental Politics*, 5, No. 2 (1996): p.194.

⁴⁵¹ Karin Backstrand, Kronsell, Annica, Soderholm, Peter, 'Organisational Challenges to Sustainable Development', *Ibid.*: p.211.

⁴⁵² Phil McManus, 'Contested Terrains: Politics, Stories and Discourses of Sustainability', *Ibid.*, No. 1: p.53.

⁴⁵³ William Lafferty, 'The Politics of Sustainable Development: Global Norms for National Implementation', *Ibid.*, No. 2: p.195.

⁴⁵⁴ *Ibid.*

⁴⁵⁵ Stephen Young, 'Local Agenda 21: The Renewal of Local Democracy?' In *Greening the Millenium?: The New Politics of the Environment*. Edited by Michael Jacobs (Oxford: Blackwell, 1997), p.143.

⁴⁵⁶ Hay, *Main Currents in Western Environmental Thought*, p.213. Dobson claimed in 1996, that approximately 300 definitions have been attempted. Andrew Dobson, 'Environment Sustainabilities: An Analysis and a Typology', *Environmental Politics*, 5, No. 3 (1996): p.402.

⁴⁵⁷ Georgia Carvalho, 'Sustainable Development: Is it achievable within the existing international political economy context?', *Sustainable Development*, 9 (2001): p.64.

a 'metafix' that will unite everybody from the profit-minded industrialist and risk-maximising subsistence farmer to the equity-seeking social worker, the pollution-concerned or wildlife-loving First Worlder, the growth-maximising policy maker, the goal-orientated bureaucrat, and therefore, the vote-counting politician.⁴⁵⁸

A conflicting interpretation of the concept's evolution, suggests that the terms' murky and contestable character has been a reason for its relative success, making it palatable to many different interests.⁴⁵⁹ Particularly essential to its widespread appeal, is the concept's ability to be accommodated within the dominant ideology of the Western industrialised world, without challenging the requirements of liberal capitalism.⁴⁶⁰ This ability of the concept to combine the dual ideas of 'sustainability' and 'development', explains Lafferty's assertion that the concept has become 'a rhetorical talisman for our common present', on par with notions such as democracy, to which almost every nation aspires.⁴⁶¹

5.1.1 Weak and strong sustainable development

As suggested above, the concept of sustainability has undergone considerable change over time, to the point where it is now highly contested. This uncertainty regarding the concept has encouraged some writers to suggest that at least two different interpretations of sustainable development are now apparent throughout the considerable literature on the subject. One example that includes a discussion of public participation comes from Jacobs,⁴⁶² who terms sustainable development as

⁴⁵⁸ Lele, 'Sustainable Development: A Critical Review', p.613.

⁴⁵⁹ Carvalho, 'Sustainable Development: Is it achievable within the existing international political economy context?', p.64.

⁴⁶⁰ Karin Backstrand, Kronsell, Annica, Soderholm, Peter, 'Organisational Challenges to Sustainable Development', *Environmental Politics*, 5, No. 2 (1996): p.212.

⁴⁶¹ William Lafferty, 'The Politics of Sustainable Development: Global Norms for National Implementation', *Ibid.*: p.185.

⁴⁶² Mark Jacobs, *Reflections on the Discourse and Politics of Sustainable Development, Part 1: Faultlines of Contestation and the Radical Model* (Lancaster: Centre for the Study of Environmental Change, Lancaster University, 1995).

either ‘conservative’ (weak) or ‘radical’ (strong), with the fault lines of contestation apparent around four discrete issues, outlined in Table 5.

Table 5: Alternative Interpretations of Sustainable Development⁴⁶³

Fault lines of contestation	Conservative Sustainable Development	Radical Sustainable Development
<i>Degree of Environmental Protection</i>	<i>Weak</i> Trade-off between economic growth and environmental protection	<i>Strong</i> Acknowledges intrinsic values in natural environment
<i>Equity (intra-and intergenerational)</i>	<i>Nonegalitarian</i> Limited global distribution	<i>Egalitarian</i> Recognises global maldistribution of wealth and responsibilities to future generations
<i>Participation</i>	<i>Top-down</i> Participation is limited to the implementation stage Of instrumental value only	<i>Bottom-up</i> Directed to both objective-setting and policy-implementation Of intrinsic value
<i>Breadth of Subject Area</i>	<i>Narrow interpretation</i> Restricted to the maintenance of the resource base	<i>Broad interpretation</i> Includes both the maintenance of environmental integrity, and sound human development – ‘quality of life’ issues

In this depiction of weak and strong sustainable development, it is noteworthy that conservative or weak sustainable development views participation as being limited to the implementation stage of policy formation, and having purely instrumental value. It is asserted most governments hold this view of participation, because by limiting participation to major stakeholders, control of the agenda is maintained. The conservative view of sustainable development is accompanied by a narrow and essentially anthropocentric interpretation of limits to growth, in the form of maintaining the resource base.⁴⁶⁴ Jacobs equates ‘radical’ (or strong) sustainable development, however, with a view of participation that is bottom-up, directed to objective setting, and of intrinsic worth. Importantly, however, whereas some writers such as Arias-Maldonado have observed we should not outline the ends that will be

⁴⁶³ Ibid. Summarised by Davidson, ‘Sustainable Development: Business as Usual or a New Way of Living’, p.29.

⁴⁶⁴ Ibid., p.30-31. Citing Jacobs, *Reflections on the Discourse and Politics of Sustainable Development, Part 1: Faultlines of Contestation and the Radical Model*.

achieved from participatory structures,⁴⁶⁵ Jacobs argues a strong or radical view of sustainable development also holds a concern with natural limits that include both 'environmental integrity and sound human development.' In doing so, radical sustainable development maintains an essentially ecocentric understanding of nature, as it acknowledges intrinsic values in the natural environment.

It is clear then, that for Jacobs, the radical understanding of sustainability conceives of certain expressions of the good, implying a distinction between right and wrong behaviours to achieve those outcomes. Therefore, in strong conceptions of sustainability, we find an expression of the good in environmental limits or 'the maintenance of environmental integrity', an appreciation of the intrinsic worth of nature, and equity between current and future generations. As suggested by Saward and Goodin in Chapter One, however, what guarantees can there be that a notionally democratic, 'bottom up' process directed towards initial goal setting and policy implementation, will elevate a strong interpretation of sustainability (or concern for environmental integrity), above more immediate and perhaps contradictory goals? This may, therefore, lead us to the conclusion reached by Ophuls and Heilbroner in Chapter One, that to ensure an ethic of restraint and consideration for non-human life and ecological limits, what is required to achieve strong or radical sustainability is not democratic processes, but highly regulated or even profoundly authoritarian ones.

One writer who believes that an authoritarian solution is certainly not necessary in achieving strong sustainability, however, is Davidson. In her discussion of Jacob's conceptions of sustainable development, Davidson argues that only the radical version of sustainable development has the 'ethical capacity' to address concerns with ecological integrity.⁴⁶⁶ For her, the imposition of green values is not the means required to reach a true (or radical) interpretation of sustainability, as the radical approach to sustainability 'uses the ecological crisis to reflect on the practices, values, knowledge and institutions of industrial society and therefore to rethink social relationships.'⁴⁶⁷ Moreover, she asserts that because public participation is encouraged and considered valuable in itself, communities will 'undergo processes of

⁴⁶⁵ Arias-Maldonado, 'The Democratisation of Sustainability: The Search for a Green Democratic Model', p.49.

⁴⁶⁶ Davidson, 'Sustainable Development: Business as Usual or a New Way of Living', p.25.

⁴⁶⁷ *Ibid.*, p.40.

social/environmental learning', leading to 'the long term commitment that having ownership of environmental problems produces, but which 'top-down' management systems are incapable of generating.'⁴⁶⁸ There is, therefore, an assumption that despite sustainability being a normative and contested concept, participation may not only transform people's preferences towards strongly sustainable outcomes, but also it seems, transform the apathetic and selfish *homo economicus* created by modern industrial society, into one recognising a more 'natural' and communal self.⁴⁶⁹ In this regard, Davidson's argument concerning 'participation' and strong sustainability, appears close to those of deliberative democrats, who hold that through learning about others' views, deliberative procedures should encourage (although not necessarily guarantee), support for arguments that favour generalisable environmental interests. It can be argued that these assumptions about public participation are also apparent in at least some legislation, policies, and activities designed to achieve sustainable development at the national and local level, to which we now turn.

5.1.2 Australia's response: ecologically sustainable development

In Australia, environmental issues have received considerable attention at the Federal and State level since the early 1970s. At the Federal level for instance, Australia has responded, at least on paper, to a number of international statements and strategies on environmental or sustainability issues. As early as 1983 for instance, the Australian government reacted to the *World Conservation Strategy* of 1980, by producing the *Australian Conservation Strategy*. The 1987 Brundtland Report *Our Common Future* was soon followed with the Hawke government's *Our Country, Our Future*,⁴⁷⁰ while the 1992 *National Strategy for Ecologically Sustainable Development* (NSED), is considered to be Australia's primary response to the global plan of action, *Agenda 21*.⁴⁷¹

⁴⁶⁸ Ibid.

⁴⁶⁹ For instance, Davidson states that recent insights into evolutionary biology, 'dispute the self-interested, competitive model of species behaviour ('survival of the fittest') underpinning the market society' and hence 'it appears feasible to abandon this model, and to argue for an extension of the relational community.' Ibid., p.34.

⁴⁷⁰ Adams. 'Local Environmental Policy Making in Australia', p.191.

⁴⁷¹ Environment Australia, 'Australian Local Sustainability Initiative: An Achievement Recognition Matrix. Volume Two Literature Review' (Canberra: Environment Australia, 2002), p.5.

Given the inherent contestability of the term, it is perhaps unsurprising that when the NSESD was endorsed by all Australian Heads of Government in 1992,⁴⁷² it also argued there 'is no universally accepted definition of ESD.'⁴⁷³ Nevertheless, the NSESD suggests that in 1990, the Commonwealth Government defined Ecologically Sustainable Development (ESD) as; '[u]sing, conserving and enhancing the community's resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased.'⁴⁷⁴ It then goes on to argue that ESD is more simply understood as 'development which aims to meet the needs of Australians today, while conserving our ecosystems for the benefit of future generations.'⁴⁷⁵ Furthermore, two primary features were considered important in defining an ecologically sustainable approach to development. These were the need to consider in an integrated manner, the 'wider economic, social and environmental implications of our decisions and actions for Australia, the international community and the biosphere.' Moreover, there was a commitment to taking a long-term view when such decisions and actions occur.⁴⁷⁶ In this regard, the strategy appears to have followed a post-Brundtland understanding of sustainable development, recognising the need to consider not only environmental, but also the social and economic impacts of development.

5.1.2.1 Public participation and ESD

One vital element of implementing ESD that mirrors that of the Brundtland Report, is the emphasis placed upon involving a wide range of actors and citizens in decision making. Among the guiding principles of the NSESD for example, is a recognition that 'decisions and actions should provide for broad community involvement on issues which affect them.'⁴⁷⁷ In documents such as the NSESD, it is not always clear

⁴⁷² Ibid.

⁴⁷³ Ecologically Sustainable Development Steering Committee. *National Strategy for Ecologically Sustainable Development*, 1992 [Cited 27 August 2002]. Available from www.ea.gov.au/esd/national/nsepd/strategy/index.html

⁴⁷⁴ Ibid.

⁴⁷⁵ Ibid.

⁴⁷⁶ Ibid.

⁴⁷⁷ Ibid.

why the participation of a wide variety of actors is required. The strategy gives some indication, however, when it states that:

Every one of us has a role to play in national efforts to embrace ESD. The participation of every Australian – through all levels of government, business, unions and the community – is central to the effective implementation of ESD in Australia.⁴⁷⁸

It appears, therefore, that the involvement of everyone is required for implementing ESD. A further justification for widespread participation is that this will increase the information and subsequent range of solutions that are available. As the strategy states:

Experience of a wide range of environment and development problems can be found in all sectors of private enterprise and the community. These same groups can help provide practical solutions to these problems. Governments recognise that much of this experience has been under-valued in traditional decision making processes. However, Australia's potential for successfully embracing ESD depends in large part in our ability to recognise and utilise the full range of this experience.⁴⁷⁹

It is clear that participation of a wide variety of actors from government, business, and the community sector is favoured. Indeed, there is also a recognition that actions by individuals is also vital to the outcomes that are achieved, and thus the NSESD states that 'ESD will ultimately rest on the ability of all Australians to contribute individually, through modifying individual behaviour, and through the opportunities available to us to influence community practices.'⁴⁸⁰ Hence it seems that the involvement of a wide range of citizens and groups is considered necessary in achieving ESD, to both increase the information provided to the policy process (thereby improving decision making), and to assist in the implementation of such decisions. Importantly, these reasons for public participation appear to closely mirror

⁴⁷⁸ Ibid.

⁴⁷⁹ Ibid.

⁴⁸⁰ Ibid.

at least some of those advocated by green deliberative theorists such as Dryzek in Chapter Two. Involving citizens in decision making is also a theme that has continued at the local government level, in performing a growing number of environmental or sustainability initiatives.

5.1.3 An emerging environmental role

Although some commentators have suggested that local government was much slower to respond to the emergence of environmental issues than their federal and state counterparts,⁴⁸¹ others have argued more recently that Australian local government has grown to become a central player in environmental policy in Australia, despite the lack of funding and support for such initiatives.⁴⁸² Indeed, Brown argues it was perhaps almost inevitable that local government would eventually respond to the global, national and local pressures for an enhanced environmental role. This has led her to argue that the trickle of change over the previous two decades had become a flood by 1992, accompanied by global and national level recognition of the important and emerging role of local authorities in environmental management.⁴⁸³

Despite the suggestion that virtually all of local government's activities have some environmental implication,⁴⁸⁴ it can be said that the services and responsibilities recognised by local authorities as fitting within the environmental realm, has certainly increased in recent decades. As Chapter Four demonstrated, the division of powers between levels of government in Australia has traditionally left local government with a reasonably limited environmental agenda, covering land-use planning functions, public nuisances, and health and building controls. Among its key responsibilities in the past have included waste management and monitoring; engineering; park and reserve management; amenities provision; heritage protection; traffic management;

⁴⁸¹ M. Keen, Mercer, D., and Woodfull, J., 'Approaches to Environmental Management at the Australian Local Government Level: Initiatives and Limitations', *Environmental Politics*, 3, No. 1 (1994): p.49.

⁴⁸² Adams. 'Local Environmental Policy Making in Australia', p.193-95.

⁴⁸³ Valerie Brown, *Acting Globally: Supporting the changing role of local government in integrated environmental management* (Canberra: National Local Government Environmental Resource Network, 1994), p.11.

⁴⁸⁴ Crowley, 'Glocalisation' and Ecological Modernity: challenges for local environmental governance in Australia', p.92.

and land-use planning. In the past three decades, however, local government's environmental role has been elevated to include community management and environmental resource concerns to its traditional works programs.⁴⁸⁵ Indeed, in 1992, a Hobart-based consultancy group, TASQUE, undertook the first ever national study into local government's environmental role. This report confirmed local government's rapid transformation from being regarded simply as a works authority, to an active and equal participant in the development and delivery of environmental management programs.⁴⁸⁶ The TASQUE Report stated that local government has developed a significant capacity to carry out a range of direct environmental programs. While there is little uniformity in the environmental powers that local governments enjoy,⁴⁸⁷ the TASQUE Report argued the environmental activities of local government have included:

local conservation strategies; involvement in Federal/State programs such as Landcare; pollution control and monitoring; heritage protection; tree planting; coastal management; flora and fauna protection; recycling; solid and liquid waste management; urban preservation; energy management; natural area enhancement and protection; bushfire management; environmental impact assessment; urban improvement; traffic calming; catchment management; wetlands management; and environmental education.⁴⁸⁸

The considerable range of functions and activities that local governments now undertake provide clear evidence of local government's growing environmental role. Further recognition of this was also gained at the national level in 1992, through local government's participation in the Intergovernmental Agreement on the Environment

⁴⁸⁵ Ibid.

⁴⁸⁶ Gerry Bates, *Environmental Law in Australia*, Vol. 3 (Sydney: Butterworths, 1992), p.101.

⁴⁸⁷ Supporting this view are Keen and Mercer, who argue that a survey of twenty one 'environmental' functions conferred on local government by the six states and the Northern Territory, reveals a considerable variation across the country. For example, all of these functions (which range from environmental protection to building control and recycling) were conferred on Victorian local government, while only seven were given to their South Australian neighbours. The formal recognition of powers does not necessarily mean however, that they are widely used. South Australian municipalities for instance, have historically tended to use their limited powers more extensively than Victoria and Tasmania, which in theory have considerably more environmental autonomy. M. Keen, and Mercer, D., 'Environmental Planning at the Local Level: The Example of Local Conservation Strategies in Victoria, Australia', *The Environmentalist*, 13, No. 2 (1993): p.83-95.

⁴⁸⁸ TASQUE, 'The Role of Local Government In Environmental Management' (Hobart: University of Tasmania, 1992), p.12 .

(IGAE). The IGAE was an attempt to encourage a cooperative approach to environmental issues, and was a direct response to the numerous federal-state conflicts that occurred regarding environmental issues in the 1980s.⁴⁸⁹ Importantly, the involvement of the national peak body for local government, the Australian Local Government Association (ALGA), recognised local government as an equal partner in the agreement, and its considerable contribution to environmental management.⁴⁹⁰ Beyond this, the agreement stipulated that local government had specific responsibilities and interests in implementing local, state, and national environmental policy. Thus it acknowledged the local role in 'the development and implementation of locally relevant and applicable environmental policies', while also noting local government's part in 'regional, statewide and national policies, programs and mechanisms which affect more than one local government unit.'⁴⁹¹ Local government's place in the agreement further committed local government to pursuing the principles of ESD through its decision making processes,⁴⁹² and bound the states to consult with and involve local government in the application of the agreement's principles and responsibilities.⁴⁹³

5.1.3.1 Local ecologically sustainable development

It can be seen then, that by the early 1990s, Australian local government was undertaking a considerable role in addressing environmental issues at the local level, and expected to abide by ESD principles in its decision making. Therefore, mirroring its emergence at the national and state levels, the concept of ESD found its way into

⁴⁸⁹ Department of Arts, Sport and Environment, 'Intergovernmental Agreement on the Environment' (Canberra: 1992), p.1-2.

⁴⁹⁰ Peter Turnbull, 'Local Government an the Inter Governmental Agreement on the Environment - How does Local Government Implement the Grand Vision?', *Australian Environmental Law News*, 2 (1993): p.21.

⁴⁹¹ Department of Arts, 'Intergovernmental Agreement on the Environment', p.7.

⁴⁹² Bates, *Environmental Law in Australia*, p.101.

⁴⁹³ P Toyne, *Reluctant Nation: Environment, Law and Politics in Australia*. (Sydney: ABC Books, 1994), p.183. Importantly however, while the agreement was recognition of local government's role in environmental policy, the ALGA acknowledges that it is unable to enforce the terms of the agreement on local government Ibid. A number of other developments occurred in Australia in 1991 and 1992, which reinforce the view that local government has emerged as a central player in environmental policy. These included the first ever joint federal-local government conference on environmental issues, and the formation of a Ministerial Advisory Committee on Local Government and the Environment. A study commissioned by the former Department of Arts, Sport and Environment, Tourism and Territories (DASETT) was also published, which investigated the information needs of local government in environmental management. Keen, 'Approaches to Environmental Management at the Australian Local Government Level: Initiatives and Limitations', p.51.

the local government acts of some states, as well as numerous others that it is bound by. For instance, under the objects of the NSW Local Government Act 1993, councils, councillors, and council employees, are required to 'have regard to the principles of ecologically sustainable development in carrying out their responsibilities.'⁴⁹⁴ Another example comes from Tasmania, as the objectives of its resource management and planning system include the promotion of the 'sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity.'⁴⁹⁵ What the introduction of ESD actually means for the operation of local government is, however, less certain. It has been suggested that social, environmental, and economic considerations have long been part of local government's agenda, with the introduction of ESD principles into legislation placing an even greater emphasis on their integration through planning, management and decision making. This intention is to achieve these aims through the implementation of a number of ESD principles that were outlined in the NSESD, such as the precautionary principle, conservation of biological diversity, intergenerational equity, and improved valuation on costs. It is noteworthy however, that even Environment Australia (the current federal environmental department) has acknowledged that 'their application in day-to-day decision making is often quite difficult.'⁴⁹⁶ Even less surprising, is their acknowledgement that there is also varying knowledge and commitment to these ideas within Australian councils.⁴⁹⁷

5.1.3.1.1 Public Participation and local ESD

Given public participation is a feature of the NSESD, it could be expected this trend would follow at the local level. As suggested in Chapter Four, allowing for individuals and their communities to become involved in decision making has become a feature of the local government legislation of all states in Australia. This may be

⁴⁹⁴ Environment Australia, 'Australian Local Sustainability Initiative: An Achievement Recognition Matrix. Volume Two Literature Review', p.22. Similarly, the South Australian Local Government Act of 1999 aims 'to encourage local government to manage the natural and built environment in an ecologically sustainable manner.' Ibid.

⁴⁹⁵ Tasmania Land Use Planning and Approvals Act 1993, p.56.

⁴⁹⁶ Environment Australia, 'Australian Local Sustainability Initiative: An Achievement Recognition Matrix. Volume Two Literature Review', p.23.

⁴⁹⁷ Ibid.

viewed as simply indicative of a broader trend towards more open and accountable government. Nevertheless, it is instructive that the NSW Local Government Act for instance, not only aims to 'encourage and assist the effective participation of local communities in the affairs of local government', but also encourages the use of ESD principles.⁴⁹⁸ For Environment Australia it seems this link between public participation and ESD also has wider implications for local governments, as the 'reliance on representative democracy...is no longer the optimum model of democracy.'⁴⁹⁹ Moreover, it argues that:

Good planning and governance requires an emphasis on open, deliberative modes of planning and governance. The underlying principle is to make sure that the voices that are normally silent are heard, and moreover, that hearing them leads to including their perspectives in whatever decisions ensues.⁵⁰⁰

That citizens should be given an opportunity to participate in local environmental decision making has also been reflected at the international level, through 'Local Agenda 21.' In this regard, LA21 may be considered the paradigmatic example of the growing emphasis that is placed upon citizen involvement in locally made environmental decisions. For this reason, a discussion of LA21 and its implementation in Australia follows, before outlining some difficulties that may arise in using participatory mechanisms for LA21 policy making.

5.1.4 Local Agenda 21

It has been argued that there has been a growing recognition at the national level, of the considerable role that Australian local government now plays in addressing environmental issues. This trend is not unique to Australia, however, and was recognised internationally with the devotion of an entire chapter to local government, in the global action plan, *Agenda 21*. Viewed as a watershed in terms of local government's international recognition in achieving sustainable development, Chapter

⁴⁹⁸ Ibid.

⁴⁹⁹ Ibid.

⁵⁰⁰ Ibid.

28 was created following an alliance of international municipal bodies. Through the input of international bodies such as the International Union of Local Authorities (IULA) and the International Council on Local Environmental Initiatives (ICLEI), Chapter 28 came to recognise the vital role that local authorities have in implementing the aims of *Agenda 21*. For Lafferty, Chapter 28 is a relatively simple appeal to local authorities to engage in dialogue for sustainable development with the members of their constituencies.⁵⁰¹ As such, it made the following observation about the importance of local government's role in achieving sustainable development:

Because so many of the problems and solutions being addressed by *Agenda 21* have their roots in local activities, the participation and co-operation of local authorities will be a determining factor in fulfilling their objectives. Local authorities construct, operate and maintain economic, social and environmental infrastructure, oversee planning processes, establish local environmental policies and regulations, and assist in implementing national and subnational environmental policies. As the level of governance closest to the people, they play a vital role in educating, mobilising and responding to the public to promote sustainable development.⁵⁰²

With these observations, four subsequent objectives were set for local government within Chapter 28. The first suggested that by 1996, most local authorities should have 'undertaken a consultative process with their populations and achieved a consensus on 'a Local Agenda 21 for the community.' This was followed with the objective of encouraging the participation of traditionally disadvantaged groups, namely women and children, in decision making, planning and implementation processes. The other two objectives related to the roles of representatives of associations of cities, individual local authorities, and the 'international community', in increasing cooperation and information exchange between local authorities.⁵⁰³

⁵⁰¹ William Lafferty, ed. *Implementing LA21 in Europe: New Initiatives for Sustainable Communities*. (Norway: Prosus, 1999), p.1-2.

⁵⁰² Daniel Sitarz, ed. *Agenda 21: The Earth Summit Strategy To Save Our Planet* (Boulder: Earthpress, 1994), p.274.

⁵⁰³ United Nations Division for Sustainable Development. *Local Authorities' Initiatives in Support of Agenda 21*, United Nations Division for Sustainable Development, 1999 [Cited 3 September 2002]. Available from www.un.org/esa/sustdev/agenda21chapter28.htm

As Lafferty suggests, these objectives provide some indication of the intent of Chapter 28. First and foremost, it is clear that Chapter 28 hopes to produce identifiable results within local authorities, in the form of an LA21 plan, which will be derived through some form of 'consultative process.' Moreover, it is clear this should also involve traditionally disadvantaged groups such as women and children in all aspects of this process.⁵⁰⁴ Beyond these observations, however, the chapter provides very little in the way of a concrete explanation of how such consultation should occur, and what a 'Local Agenda 21' should involve. This has contributed to the wide variety of approaches to LA21 in both Australia and overseas, and led some practitioners in local government to describe the LA21 process 'like trying to sculpture fog.'⁵⁰⁵

At the international level, ICLEI provided some assistance in this regard by recommending a process for implementing *Agenda 21*. This was followed in 1996 by a more specific framework derived from the experiences of LA21 programmes developed since 1992. The elements that ICLEI suggested were vital to any LA21 programme, were:

- Establishing a multi-sectoral planning body responsible for guiding the LA21 programme;
- Assessing existing social, economic and environmental conditions at a local level;
- Committing to a participatory process to identify local priorities for action in both the short term and long term;
- Developing and implementing a multi-sectoral action plan; and
- Establishing procedures for monitoring and reporting which hold local government, business and residents accountable to the LA21 programme.⁵⁰⁶

⁵⁰⁴ Lafferty, ed. *Implementing LA21 in Europe: New Initiatives for Sustainable Communities*, p.2.

⁵⁰⁵ Adams. 'Local Environmental Policy Making in Australia', p.189.

⁵⁰⁶ *Ibid.*, p.189-90..

As can be seen from these guidelines, this model for LA21 planning is a considerable departure from conservation and single-issue environmental policy processes, which primarily existed prior to the emergence of LA21. What is also interesting, however, is the continued focus on a 'participatory process' to identify local priorities, which will presumably lead to outcomes which support the 'sustainable development' approach of Agenda 21. This raises the obvious question, of what happens if the participants in the process choose not to proceed along this (albeit vague) path of development? Indeed, local government would appear to be in somewhat of a dilemma in this regard. Sharp sums up this dilemma, when she states:

On the one hand local government is expected to 'educate' and mobilise' for sustainable development, on the other hand it is meant to 'respond to' the public...Local government is therefore expected to work with everybody in the local community, to achieve consensus about a joint plan for action...and to ensure, as if by magic, that the plan which everybody wants should also be one which works towards sustainable development.⁵⁰⁷

It seems therefore, that there is a contradiction within LA21 which can only be resolved if all the participants are of the same view, or when the plan of action becomes so broad that virtually any future activity could be included under the umbrella of 'sustainable development.' For Sharp, however, this dilemma appears to be resolved in LA21 via an essentially altruistic view of human nature.⁵⁰⁸ This is of course the general conception of humanity which both deliberative democrats, and advocates of radical sustainable development tend to favour, with an expectation that citizens will be prepared to deliberate over issues to achieve an understanding about interests that are general to all. Similarly, with LA21 this faith enables the potential contradiction to be resolved, and the link between participatory democracy and 'sustainable' outcomes maintained. An example of this way of thinking comes from O'Riordan, who argues the:

⁵⁰⁷ Elizabeth Sharp. 'Contesting Sustainability: Local Policy Making for the Global Environment.' Unpublished Doctoral Thesis, University of Sheffield, 1999: p.62.

⁵⁰⁸ Ibid.

...evolution of Local Agenda 21 strategies should create a bow wave of local democratic reforms. And as local communities become engaged in this process, so the real strength of the democratic sustainability transition should reveal itself.⁵⁰⁹

With this assumption in place, we find that LA21 processes have therefore been viewed as equally concerned with participation and local democracy, as they are with sustainable development. Thus some commentators have suggested that LA21 offers the opportunity to 'radically reappraise and redevise' the participatory structures used by local government.⁵¹⁰ Others see similar opportunities to expand local democratic practice, and argue that LA21 'presents a challenge to more centralised and elitist policy making' that has dominated public policy formulation in modern industrialised counties, including Australia.⁵¹¹ Having outlined the promise and contradictions of LA21, we now move on to discuss its uptake in Australia.

5.1.4.1 LA21 in Australia

The uptake of LA21 in Australia has been described as ad hoc in nature, as there has been only limited and sporadic support for the initiative from federal and state governments.⁵¹² Nevertheless, as a first step at the national level to encourage councils to develop an LA21, in 1994 the Commonwealth Government funded the Municipal Conservation Association (now Environs Australia, the Australian local government environment association), to produce *Managing for the Future: A Local Government Guide*.⁵¹³ It also produced a presentation kit for councils to explain and discuss 'Local Agenda 21', which outlined the key priorities identified in the guide.⁵¹⁴

⁵⁰⁹ Timothy O'Riordan. 'Democracy and the sustainability transition.' In *Democracy and the Environment: Problems and Prospects*. Edited by William Lafferty, James Meadowcroft (Cheltenham: Edward Elgar, 1996), p.155.

⁵¹⁰ Claire Freeman, Littlewood, Stephen, Whitney, David, 'Local Government and Emerging Models of Participation in Local Government', *Journal of Environmental Planning and Management*, 39, No. 1 (1996): p.65.

⁵¹¹ Adams. 'Local Environmental Policy Making in Australia', p.190.

⁵¹² Environment Australia, 'Australian Local Sustainability Initiative: An Achievement Recognition Matrix. Volume Two Literature Review', p.11.

⁵¹³ B. Cotter, Wescott, W., Williams, S., 'Managing for the Future: A Local Government Guide' (Melbourne: Municipal Conservation Association, 1994).

⁵¹⁴ Environs Australia, 'Local Agenda 21 Presentation Kit' (Melbourne: Undated).

Similar to other international manuals on LA21, the key features of the guide included a discussion about sustainability and community involvement. For example, it gave a definition of sustainability as 'the ability to maintain a desired condition over time,'⁵¹⁵ and clearly delineated this from sustainable development which it considered 'a tool for achieving sustainability, not the desired goal.'⁵¹⁶ While it is uncertain what this 'desired condition' would involve, the presentation kit did suggest that the most basic form of sustainability is ecological sustainability, or 'the maintenance over time of essential life support systems.'⁵¹⁷ The guide also identified the potentially contradictory commitment to community involvement as a priority, given that 'progress towards sustainability requires community involvement since it cannot be achieved by local governments alone.'⁵¹⁸ Moreover, the presentation kit suggests this key facet of Agenda 21 is justified, given that 'unless the program addresses the needs of the whole community, its entire basis is flawed and subsequent conflicts are likely to impede or prevent its implementation.'⁵¹⁹ As a result, it argues that 'involvement means participation in not only the planning stages but also in the implementation stages.'⁵²⁰ The guide also outlined seven steps it considered necessary to develop an LA21, which included; 'creating a climate of support'; developing 'a council-community partnership' by selecting a steering committee and working groups; and 'implementation', by sharing information with other communities, and outlining who is responsible for implementing new policy directions and actions.⁵²¹ It is also interesting to note that the North Sydney Council's precinct system (4.1.2.5) is included in the section addressing community partnerships, as a type of mechanism which 'can create a climate of commitment' for LA21, from both the council and its citizens.⁵²²

With this outline of LA21 in Australia established through these guides, the 1995 Localinks Conference in Melbourne revealed that local authorities were increasingly

⁵¹⁵ Cotter, 'Managing for the Future: A Local Government Guide', p.12.

⁵¹⁶ Ibid.

⁵¹⁷ Environs Australia, 'Local Agenda 21 Presentation Kit', p.7.

⁵¹⁸ Environment Australia, 'Australian Local Sustainability Initiative: An Achievement Recognition Matrix. Volume Two Literature Review', p.8.

⁵¹⁹ Environs Australia, 'Local Agenda 21 Presentation Kit', p.3.

⁵²⁰ Ibid., p.15.

⁵²¹ Cotter, 'Managing for the Future: A Local Government Guide'.

⁵²² Ibid., p.30.

utilising the LA21 policy framework to tackle local environmental and sustainability issues.⁵²³ This was confirmed in 1996 by the *National Local Sustainability Survey*, conducted by Environs Australia. This revealed that of the 192 responses received from all Australian councils, 121 stated that they were working on some form of local sustainability strategy. Of those that responded, sixty percent stated they were aware of LA21, while 43 stated they were working on an LA21. A further 78 councils were working on local sustainability through Local Conservation Strategies, and Ecological Sustainable Development Strategies. These activities were reported as being undertaken most frequently in South Australia, Victoria, and New South Wales.⁵²⁴ The LA21 strategies were primarily undertaken in South Australia, due to a partnership program that developed in 1995 between the State Department of Environment and Natural Resources, and the Local Government Association of South Australia.⁵²⁵ Similarly, Local Conservation Strategies, sometimes seen as a forerunner to LA21, have been most prominent in Victoria as a result of a state government funded program between 1988 and 1990,⁵²⁶ while progressive state legislation was a key ingredient in the development of sustainability strategies in NSW.⁵²⁷

Amid growing awareness and implementation of LA21, a further stimulant came in June 1997, when Newcastle (NSW) held the Pathways to Sustainability Conference. The conference was attended by 1000 delegates from around the world, and according to Adams and Hine, showcased local sustainability initiatives from a number of countries. The conference culminated with the signing of the Newcastle Declaration, which called for LA21 to be utilised by local government, and recognised by all spheres of government as both a fundamental framework for local environmental policy, and more importantly in Australia, a means to implement the NSESD and Agenda 21. An undertaking from both the President of the ALGA and the Federal Minister for the Environment was also given to support local government in its efforts

⁵²³ Adams, 'Local Environmental Policy Making in Australia', p.197.

⁵²⁴ Stella Whittaker, 'Are Australian Councils 'Willing and Able' to Implement Local Agenda 21?', *Local Environment*, 2, No. 3 (1997): p.319-20.

⁵²⁵ Adams, 'Local Environmental Policy Making in Australia', p.198.

⁵²⁶ Keen, 'Environmental Planning at the Local Level: The Example of Local Conservation Strategies in Victoria, Australia', p.89.

⁵²⁷ Whittaker, 'Are Australian Councils 'Willing and Able' to Implement Local Agenda 21?', p.319.

to achieve this aim.⁵²⁸ The conference was later to be recognised as an important factor in developing further interest in LA21 in Australia.⁵²⁹

Following its commitment to the development of LA21, the Federal Government published another guide, called *Our Community Our Future: A Guide to Local Agenda 21*.⁵³⁰ Similar to *Managing for the Future*, the guide was intended to provide some practical assistance for councils in developing an LA21. Consequently, it included an introduction by way of five 'action areas' or steps in the LA21 process, followed by ten case studies of leading LA21 programs in Australia. Importantly, among the seven key principles identified for any LA21, was a continued commitment to both 'community involvement', and 'ecological integrity.'⁵³¹ This guide remains the most recent in Australia, although the Federal Government did produce another guide on LA21 in the Asia Pacific region in 2000, in honouring a commitment made to the Asian Pacific Economic Cooperation group of countries.⁵³² The Federal government is continuing its commitment to LA21, by undertaking a further project called the Local Sustainability Assessment Framework for LA21.⁵³³ It also continues to support the Environmental Resource Officer Scheme, which has been in place since 1993.⁵³⁴

With these developments occurring in Australia, the Fourth *Local Government Sustainability Survey* in 2000, reported further increases in the development of LA21 processes in Australia. Of the 170 responses to the survey (representing 28 percent of those issued), 97 (or almost 60 percent) of respondents indicated their council had made a formal commitment to an LA21 or ESD strategy, through a plan or strategy. For Environs Australia, this was a considerable increase in the number of councils 'incorporating sustainability principles into their formal policy process.' In addition

⁵²⁸ Adams. 'Local Environmental Policy Making in Australia', p.197.

⁵²⁹ Environment Australia, 'Australian Local Sustainability Initiative: An Achievement Recognition Matrix. Volume Two Literature Review', p.10.

⁵³⁰ Bernie Cotter, Wescott, Wayne, 'Our Community Our Future: A Guide to Local Agenda 21' (Melbourne: Commonwealth of Australia, 1999), p.1-13.

⁵³¹ Ibid., p.1-13.

⁵³² Environment Australia, 'Australian Local Sustainability Initiative: An Achievement Recognition Matrix. Volume Two Literature Review', p.12.

⁵³³ Environment Australia. *Australian Local Sustainability Initiative: An Achievement Recognition Matrix*, Environment Australia, 2002 [Cited 21 March 2003]. Available from <http://ea.gov.au/esd/la21/framework/framework.html#consultants>

⁵³⁴ Environment Australia. *Environment Resource Officer Scheme*, 2003 [Cited 21 March 2003]. Available from <http://ea.gov.au/esd/ero/index.html>

to the large number with a formal LA21 or ESD framework, others had chosen to incorporate these principles as a result of state or local government ESD legislation or requirements.⁵³⁵ The survey also revealed that:

- 75 councils had started a consultative process with local citizens;
- 92 had started preparing an Action plan;
- 44 had completed an Action plan; and
- 78 had begun implementing their action plan (although some had done so before completing the plan itself)⁵³⁶

Not surprisingly, however, while the survey demonstrated increased uptake of LA21 initiatives, it was also noted that there remains considerable uncertainty about how to practically apply the concept of sustainability to actions on the ground, and to classify these actions as sustainable.⁵³⁷ This uncertainty over approaches to sustainability has more recently been cited as one factor that has reduced the uptake of LA21 in states such as Western Australia.⁵³⁸

5.1.4.1.1 Public Participation in Australian LA21: A Variety of Approaches

Despite these and other difficulties in developing LA21 plans and sustainability strategies, it is clear, as the survey suggests, that a large number of councils have started some form of consultative process with their citizens as a result of a commitment to LA21. A closer examination of some Australian LA21's supports this assertion. For instance, *Our Community Our Future* provided case studies of nine leading councils. Combined with interviews in June and July 2000 with staff from six

⁵³⁵ Environs Australia. *Local Government Sustainability Survey*, 2000 [Cited 4 September 2002].

Available from http://www.environs.org.au/pdfs/Sust_Survey_2000.pdf

⁵³⁶ Ibid.

⁵³⁷ Ibid.

⁵³⁸ Graham Marshall, 'LA21: success or failure in the Western Australian context' (Paper presented at the Sustaining our Communities International Local Agenda 21 Conference, Adelaide, 2002).

of these, it is clear that while all councils made some attempt to involve their citizens in LA21, some have demonstrated a greater commitment to public participation than others. Moreover, these information sources revealed that a wide range of techniques have been used to involve citizens in LA21, at stages ranging from the initial identification of priorities, to the monitoring of the plan's implementation. The names of each council where interviews took place, the name of their strategy, and methods of public participation, are illustrated in the following table.

Table 6: Public Participation for LA21 in Selected Australian Councils⁵³⁹

Council	Name of Strategy	Methods Used	Stage of process
<i>City of Manningham</i>	GreenPrint for a Sustainable City	Workshops	Uncertain
<i>Moreland City Council</i>	Local Agenda 21	Ten person citizen committee	Implementation Monitoring
<i>City of South Sydney</i>	A Strategy for a Sustainable South Sydney	Discussion paper followed by 'planning teams' comprising staff, councillors and community members to further develop the strategy	Beginning – identifying priorities and plan formation
<i>City of Unley</i>	Environmental Action Plan	Advisory committee comprising staff, councillors, community members. Followed by questionnaire, phone survey, public workshops	Beginning – identifying priorities and plan formation
<i>City of Marion</i>	LA21 – Creating a Sustainable Future	Workshops with a variety of groups; Environmental committee comprising staff, councillors, community members	All stages
<i>Sutherland Council</i>	Developing a Blueprint for a High Quality of Life	Survey followed by focus groups, random survey and group presentations. Then 'Ambassador' program	All stages

⁵³⁹ Cotter, 'Our Community Our Future: A Guide to Local Agenda 21'; Libby Ward, Moore, Nicole, Manningham City Council Economic and Environmental Planning Unit. Interview. Manningham, 6 July 2000; Bruce Lang, City of Unley Chief Environmental Officer. Interview. Unley, 26 June 2000; Rowena McLean, City of Marion Environmental Officer. Interview. Adelaide, 27 June 2000; and Richard Jennings, Moreland City Council Conservation Team Leader. Interview. Adelaide, 7 June 2000.

For some of the councils in Table Six, the LA21 process has been almost entirely 'in-house', using an essentially top-down approach towards identifying issues, creating the plan of action, and implementing the plan. At the Manningham City Council for instance, its *GreenPrint for a Sustainable City* was derived from the use of an Environmental Management System (EMS). As a consequence, it has a particularly strong focus on ecological sustainability, and 'utilises indicators to track the changes we make to our environment.'⁵⁴⁰ The only real opportunities citizens had to form the plan was through a number of small workshops, or direct contact with council's environmental staff. Generally, however, citizen involvement in both the initial formation of the *GreenPrint*, and its continued implementation, was described by the two officers interviewed, as 'virtually non-existent.'⁵⁴¹ Nevertheless, they felt that involving the community in some aspect of the plan was the council's 'next big priority',⁵⁴² given their assertion that 'you could have the best EMS and the most efficiently operating council from a sustainability point of view, but its not much good if the rest of the community is hopeless. That's why it's important to get the community involved.'⁵⁴³

While the City of Manningham has struggled to involve its citizens in developing and implementing their LA21, other councils have utilised techniques to ensure an LA21 that is driven by citizen priorities. For instance, in creating the *Unley Environmental Action Plan*, the City of Unley in South Australia, used a number of techniques to involve its local community. The council initially created an advisory committee comprising councillors, council staff, and community representatives. This group then oversaw the creation and distribution of a detailed survey, which contained 74 issues in five categories (being City Character, Resource Management, Economic Development, Local Environment and Community Life). Respondents were invited to indicate which of the issues were important to them. The survey was distributed to all local residents, and students via their local school, and was successful in gaining 704 resident and 785 student responses. It was also supported by the holding of eleven

⁵⁴⁰ Manningham City Council, 'GreenPrint for a sustainable city' (Manningham:1998), p.8.

⁵⁴¹ Ward, Manningham City Council Economic and Environmental Planning Unit.

⁵⁴² Ibid.

⁵⁴³ Ibid.

facilitated workshops in a variety of locations, to 'discuss the issues in more detail.'⁵⁴⁴ After these workshops and further opportunities for submissions, the plan was created with the assistance of council staff and the advisory committee. The advisory committee ended following the completion of the plan,⁵⁴⁵ with implementation to be carried out by the seven council departments or 'business units.'⁵⁴⁶ While the structured involvement of citizens at Unley ended following the plan's completion, other councils such as Sutherland have continued to involve their citizens through a variety of means.⁵⁴⁷

As these examples suggest, it is evident that whilst some Australian councils have not taken the opportunity to involve citizens in developing their LA21, and have remained essentially council driven and top-down in nature, for others, a variety of bottom-up approaches to community participation have been used to develop priorities and a comprehensive sustainability plan. Although these councils could be congratulated for valuing the views of their citizens, we can of course question the degree to which processes such as these will maintain a commitment to ecological sustainability, or the maintenance of life supporting systems. Indeed, some observers of LA21 processes have suggested that a real commitment to citizen participation has proven problematic for ecological sustainability. As Jacobs asserts:

...in some circles, this commitment to participation is coming to dominate the debate on sustainable development, even at the expense of specific environmental commitments...In the bottom-up interpretation...participation is a good in its own right. This leads to the fear, now occasionally being expressed, that sustainable development is losing its 'objective' relationship with carrying capacity or environmental limits. Does sustainability now mean, it is being asked, whatever emerges from appropriately participative and multi-

⁵⁴⁴ City of Unley, 'Unley Environmental Action Plan' (Unley: 1998), p.17.

⁵⁴⁵ Lang, City of Unley Chief Environmental Officer.

⁵⁴⁶ City of Unley, 'Unley Environmental Action Plan', p.48.

⁵⁴⁷ Garry Smith, Sutherland Shire Council Environmental Science and Policy Unit. Interview. Sydney, 16 June 2000.

stakeholder socio-political processes, whether or not these are ecologically sustainable?⁵⁴⁸

As a result, despite the optimistic assertions of writers such as Davidson regarding the capacity of bottom-up processes to produce strongly sustainable outcomes, it might be asked once again, whether participation may actually be a hindrance in decision making that aims to achieve ecologically sound outcomes. Therefore, although an (ecologically) sustainable society will require citizen co-operation in fulfilling its rules and practices, this may not equate to citizen participation in making those decisions.⁵⁴⁹ As was demonstrated in Chapter Two, however, for deliberative democrats the answer to such dilemmas is to create conditions for citizen deliberation that are as free as possible from both coercion and manipulation. Before assessing the reliability of their claims, a short conclusion to this chapter is provided below.

5.2 Before Moving On

As was argued in Chapter Four, local democracy in Australia historically operated on the basis of a purely representative model, although in more recent times, attempts to involve citizens more directly in its planning and decision making have been evident. This chapter provides further evidence of this trend, as it has shown how local government's emerging role in addressing environmental or sustainability issues, has further encouraged councils to actively involve their citizens in decisions that affect their lives. Importantly, however, while sustainability initiatives such as LA1 are moving many councils toward using a variety of participatory mechanisms to involve their citizens in decision making, it is questionable whether such participation will enable decisions to be reached that will lead to favourable environmental outcomes.

Despite such concerns, and as demonstrated in Chapter Two, the answer to these practical difficulties for deliberative democrats lies in our ability to create conditions

⁵⁴⁸ Michael Jacobs. 'Sustainable Development as a Contested Concept.' In *Fairness and Futurity: Essays on Environmental Sustainability and Social Justice*. Edited by Andrew Dobson (Oxford: Oxford University Press, 1999), p.35.

⁵⁴⁹ Arias-Maldonado, 'The Democratisation of Sustainability: The Search for a Green Democratic Model', p.49.

free of coercion and manipulation. But even if we can closely approximate ideal conditions, does such deliberation really enable decision making to occur which is both democratic, and environmentally favourable? Do deliberative arrangements improve the range of information available and create innovative solutions to problems? Do they enable the recognition of generalisable environmental interests? And does deliberation improve the legitimacy of the decisions made, and the commitment to these decisions by those who have made them? Two Australian councils that have used participatory models approaching the deliberative ideal, are the Glenorchy City Council, and the Waverley Municipal Council. Their use of deliberative mechanisms to address environmental issues form the basis of the following two case studies, and allow for a subsequent evaluation of deliberative mechanisms and their environmental credentials in Chapter Eight.

Chapter 6

Glenorchy City Council



Source: www.expedia.com

6.0 Introduction

As suggested in Chapter One, the primary aim of this thesis is to evaluate the utility of deliberative forums for environmental decision making. As a consequence, this chapter is the first of two case studies which will be used to assess the claims of some deliberative democrats as outlined in Chapter Two, and which were initially questioned in Chapter Three. Glenorchy City Council in southern Tasmania is the site of this first case study, given it recently developed a precinct system to provide citizens with the opportunity to participate in a range of issues affecting their local area. Both case studies are deliberately descriptive. Analysis of the data is subsequently undertaken in Chapter Eight, which compares and contrasts the two

cases against the three purported benefits of deliberative models for environmental decision making.

The chapter begins with a short explanation of the location and community profile of the Glenorchy City Council area. Following a brief discussion of the council's history with participatory forms of democracy and party politics, the chapter then moves on to outline the precinct system, and shows it to be a deliberative structure that allows citizens to be directly involved in council decision making. While action surrounding a number of environmental issues is then discussed, the issue of waste management provides a focus for the chapter. In particular, this chapter provides interview responses from a number of citizens regarding waste management and the issue of air quality, and documents how this generalisable interest fared in a deliberative structure essentially devoid of power relations and coercion. The chapter then concludes with a discussion of the response from elected councillors, to the precinct attendees' recommendations. It finds that although citizens were well informed about the problems associated with poor air quality, the outcome of deliberation was to favour a 'generalisable interest' that almost certainly would not have benefitted the life supporting capacity of natural systems. Thus the representative system was required to defend the common environmental good.

6.1 Geography and Demography

The Glenorchy City Council is a primarily urban council approximately 15 kilometres north west of Tasmania's capital, Hobart (see map above). Its population of around 43 000 people represents a relatively large council by Tasmanian standards. As the 2001 Census indicates, the people of Glenorchy are generally older than the average Australian. A higher percentage than average are Australian born and speak English at home, while there is also a slightly higher indigenous population than most areas of Australia. In general, the people of Glenorchy are also in a relatively poor socio-economic situation, with comparatively low weekly mean incomes, low education

levels, and a high percentage of unemployed residents. These socio-economic indicators are also below the comparatively poor Tasmanian average.⁵⁵⁰

6.2 Party Politics at Glenorchy

As seems the case with most councils in Tasmania, at the time of the case study research there were no councillors at Glenorchy formerly aligned with a political party at the local level.⁵⁵¹ From the observations conducted, however, this has not prevented a relatively clear ideological divide to develop between the elected members of council. Nine councillors were generally supportive of a relatively expansive service provision role for the council, and a more open and deliberative approach to local government. Three councillors, however, seemed more disposed to the older traditions of local government, and favoured a local government which focussed its resources towards meeting state-legislated responsibilities. They were also opposed to the resourcing required to establish and run the precinct system. This divide appeared to strongly influence decision making on numerous issues affecting the council at the time the case study was conducted.⁵⁵²

6.3 History of Participatory Democracy

Despite the increased responsibilities of local governments to consult with their residents in recent years, the Glenorchy City Council is one that has gone well beyond its statutory requirements in this regard. As a precursor to the development of its precinct system in 1999, the council ran a re-development project in the suburb of Goodwood in 1988, which dealt with issues including the pollution of a local bay.

⁵⁵⁰ The statistics that support this are as follows: Median Age 37 (Aust. 35); Aust. Born 85% (Aust. 72.6%); English language only at home 90.1% (80%); Indigenous 3.6% (Aust. 2.2%); Mean individual weekly income \$200-299 (Aust. \$300-399); No qualification past year twelve 76% (Aust. 65.3%); Unemployed 11.4% (Aust. 7.4%). Australian Bureau of Statistics, 'Census: Basic and Community Profile and Snapshot' (Canberra: 2001) Available from <http://www.abs.gov.au/Ausstats/abs@census.nsf>.

⁵⁵¹ One councillor did unsuccessfully however, run for State parliament as a member of the Liberal Party.

⁵⁵² Ivan Zwart, Observations of Glenorchy City Council Precinct and Council Meetings. Glenorchy City Council, 2001.

According to the council's Community Services Manager, the council involved all sections of the community in what became a highly successful project. The project enabled many relationships to be established with community members which had not previously been evident, and demonstrated to many involved in the council that including the community could have positive results. It did not, however, deal with a range of problems that became evident, and which people wanted to discuss with the council. It was at this stage, that the council contemplated a further extension of its efforts to consult with its citizens.⁵⁵³

6.4 The Precinct System

Following the success of the Goodwood project, the council sponsored the Community Services Manager to go to a local democracy conference in Denver in 1995. She reported back, and recommended the council establish a precinct system. This was supported by the council, following delays caused by an attempt to amalgamate the council by the Tasmanian Government.⁵⁵⁴ Late in 1999 the precincts began operation at a cost of just under \$200 000 per annum,⁵⁵⁵ in conjunction with the development of the community plan. The precinct system was set up in June 1999, under Section 24 of the Tasmanian Local Government Act 1993. The council's objectives in setting up the twelve precincts were:

- To increase participation as a community in planning, decision making and general activities of the council;
- Provide more effective communication between the council and the community; and

⁵⁵³ Glenorchy City Council, Community Services Manager. Interview. Glenorchy, 9 October 2000.

⁵⁵⁴ For 18 months the plan to introduce precincts virtually stopped as the council focussed attention on fighting moves by the Tasmanian government to amalgamate the council. Following this, and the goodwill that had been developed with the community on fighting amalgamation (the community were very supportive of council in its fight to remain a separate entity), the council proceeded with the precincts. One was set up as a pilot, and by February 2000 they were all established. Ibid.

⁵⁵⁵ The precinct system cost \$199 964 in the year 2002-03, which is approximately 0.5 percent of the council's total operating budget. It also represents a cost of \$4.70 per resident. Craig Owen, Glenorchy City Council Acting Precinct Liaison Officer. Interview. Glenorchy, 12 May 2003.

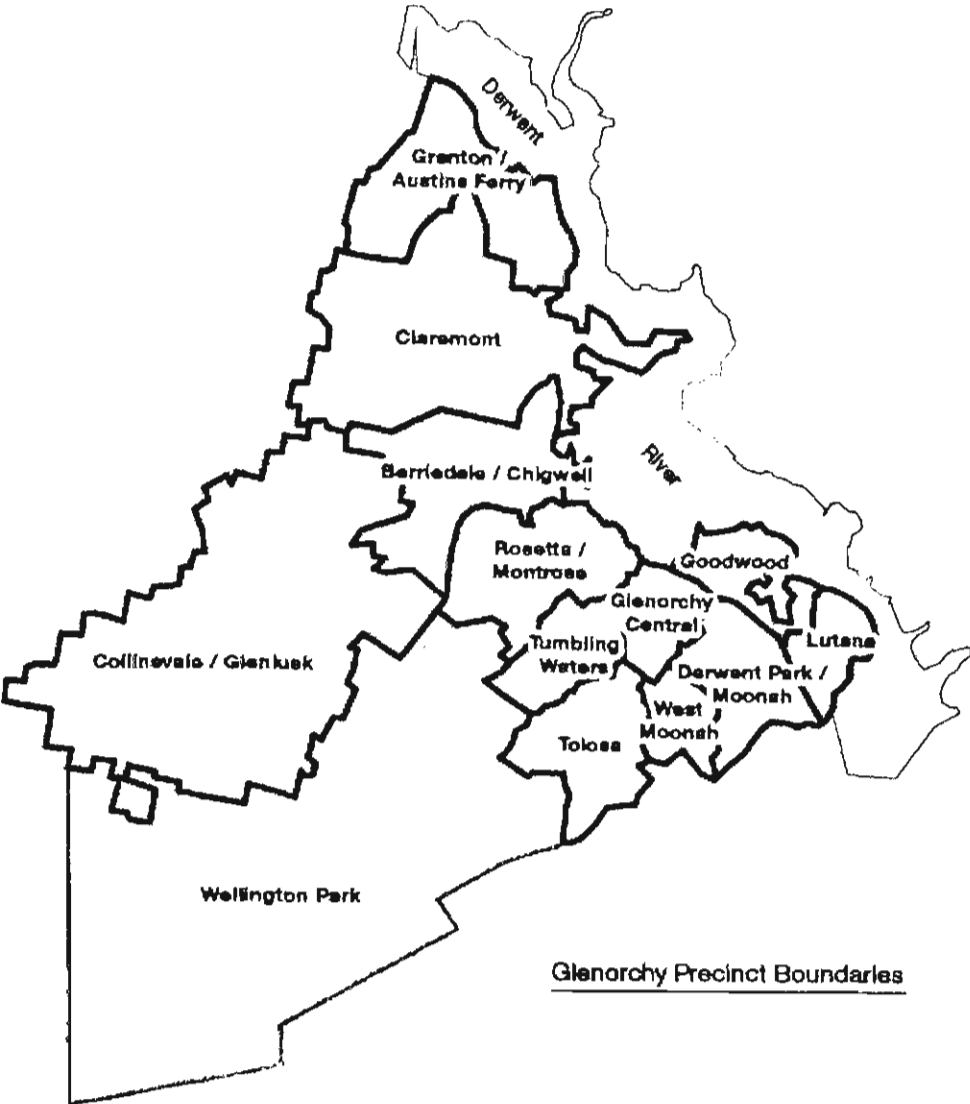
- Strengthen the council's role as an effective advocate for the community based on an accurate understanding of community needs.⁵⁵⁶

Similar to the rationale of other Australian councils in adopting precincts,⁵⁵⁷ the precinct system provides a formal structure that gives all residents, property owners and tenants in the city, an opportunity to be involved in decisions that affect their lives. The council encourages input from citizens through regular (usually monthly) precinct meetings, which are held in public meeting places (such as community halls) in each of the twelve geographically defined precinct areas. The meetings are organised in each area by a three member citizen committee (comprising a convenor, treasurer and secretary), following an annual citizens poll to elect these office bearers. The precincts are advisory only and the council's elected representatives remain the final decision makers. Nevertheless, precincts are now considered the central mechanism for information sharing between the council and the community.⁵⁵⁸ A map outlining the precinct boundaries is provided below.

⁵⁵⁶ Glenorchy City Council, 'Precinct Guidelines and Constitution' (Glenorchy: Glenorchy City Council, Undated), p.3-4.

⁵⁵⁷ Possibly the earliest and most well known precinct system exists at the North Sydney council (4.1.2.5), which in the early 1970s implemented a system of 56 geographically defined precincts, to enable local residents to directly contribute to debate about local planning issues. Leonie Sandercock. 'Citizen participation: the new conservatism.' In *Federal Power in Australia's Cities*. Edited by Patrick Troy (Sydney: Hale and Iremonger, 1978), p.129. As suggested in Chapter Four, following the North Sydney lead a small number of Australian councils have also implemented some form of precinct system or neighbourhood councils.

⁵⁵⁸ Glenorchy City Council, 'Precinct Guidelines and Constitution', p.3-5.



Source: www.gcc.tas.gov.au/city_maps_prec.cgi

Among the primary motivations of the council in establishing the precinct system, was to provide its elected representatives and staff with an opportunity to gain a better understanding of community views regarding issues effecting the council area. As a consequence, citizens are not the only people in attendance at the meetings. Firstly, the council employs two liaison officers, one of whom attends every precinct meeting to act as a conduit between the council and the citizens who attend. Each of the twelve elected councillors are also entitled to participate in the debates at the meetings of the precinct to which they are allotted (which occurs on a rotation basis).⁵⁵⁹ Council staff also frequently attend meetings, in order to discuss specific council

⁵⁵⁹ Councillors may also attend the precinct meeting commensurate with the precinct in which they reside.

proposals or ideas with citizens, or to discuss issues or new ideas that citizens have identified as being the responsibility of the officer concerned.⁵⁶⁰

6.4.1 The 'who', 'where' and 'how' of precinct deliberation

The discussion above indicates that the precinct system could be seen to fit with our understanding of who should be involved in a deliberative arrangement, as it allows every citizen in Glenorchy to be directly involved in decision making through one of twelve small, formal participatory structures (as well as enabling indirect input through voting for elected representatives). It also fits with the location of deliberative democracy, being a participatory structure within the public sphere. Arguably then, these two initial conditions for deliberation have been met. What is less clear, however, is whether the meetings encourage free and uncoerced debate, and more specifically, the degree to which they meet the conditions of our simplified ideal speech situation. We will do this by addressing each of the criteria for procedural fairness established by Webler⁵⁶¹ and outlined in Chapter Two.

1. Anyone who considers him or herself to be potentially affected by the results of the discourse must have an equal opportunity to attend the discourse and participate.

The precincts provide the opportunity for any resident to attend the regular meeting for the precinct area in which they reside, although only citizens of the age sixteen and above may vote.⁵⁶² Meetings are generally held in the evenings, and are always advertised in two local papers, at least a week before the meetings are held. Further advertising of the meetings also occurs through flyers that are either distributed to households by volunteers, or appear in local businesses or community notice boards. In a strict sense then, people are given an equal opportunity to attend the meeting, although in practice the meeting times are not always convenient for all citizens.

⁵⁶⁰ Glenorchy City Council, 'Precinct Guidelines and Constitution', p.6.

⁵⁶¹ Webler. "'Right' Discourse in Citizen Participation: An Evaluative Yardstick."

⁵⁶² The only other restriction on voting is for residents with a pecuniary interest in an issue. They are asked to leave the room before discussion and voting takes place. Glenorchy City Council, 'Precinct Guidelines and Constitution', p.10.

Some precinct meeting organisers consequently run additional meetings at midday, in order to allow those who cannot attend evening meetings to have their views heard, and passed on to the council. Where citizens are still unable to attend, the council encourages them to ask someone who can attend to pass on their views regarding a specific issue, provide their thoughts in writing, or contact their local councillor or a member of the council's staff.⁵⁶³

2 and 3. Every discourse participant must have an equal opportunity to make validity claims and challenge the validity claims of others.

A number of issues appear pertinent in terms of the opportunity to make validity claims. Firstly, a meeting agenda is prepared by the secretary of each precinct, and all citizens, council officers and councillors have the right to have an issue included in the agenda. The agenda is usually prepared by the secretary around a week before the meeting is held, and publicised through the various mechanisms discussed above. Where a citizen is late in notifying the secretary of an issue of interest to them, a short period is allowed towards the end of meetings for discussion of new issues not included on the agenda. The discussion of these issues is generally allowed, although this depends upon the time available, given meetings generally run for a maximum of two hours.⁵⁶⁴ Any issue that falls within the council's jurisdiction, except land use planning issues, may be discussed by the citizens, councillors or staff present.⁵⁶⁵

⁵⁶³ Zwart, Observations of Glenorchy City Council Precinct and Council Meetings.

⁵⁶⁴ Ibid.

⁵⁶⁵ The council has an existing structure to manage land use planning matters, which falls under the Tasmanian Land Use Planning and Approvals Act 1993. It was felt that these issues can be particularly divisive, and are more satisfactorily addressed through the statutory provisions within the State Government legislation, rather than allowing such private matters to be addressed in a public forum. Glenorchy City Council, Environmental Services Manager and Acting General Manager. Interview. Glenorchy, 15 June 2001. As the Council's Acting General Manager and Environmental Services Manager suggested regarding this decision, 'the research we conducted regarding North Sydney found their precinct meetings were dominated by landowners...we were not about trying to create conflict in the community, we were about trying to build the community. And that was one of the major issues, because land use planning issues did actually dominate the structure.' Ibid. Occasionally other matters such as policing or education, which are not local government issues, are discussed. Generally however, people with such concerns are asked to contact the relevant authorities, or to discuss the issue specifically with councillors, who may then raise these concerns on the citizens behalf. Zwart, Observations of Glenorchy City Council Precinct and Council Meetings.

Once a participant has raised an issue, every citizen is given the opportunity to introduce additional ideas to the debate, or to challenge the ideas of other participants. The concept of equality, and the ability of validity claims to be introduced and challenged by all participants, is effectively legislated through the precinct guidelines and constitution. This states that one of the values held by precincts, is that each person 'is equal and has an equal contribution to make. The rights and opinions of all are heard, valued and respected.'⁵⁶⁶ Moreover, all meetings are to be conducted 'in an orderly and open manner that encourages participation and the expression of a cross section of views.'⁵⁶⁷ It falls to the convenor (who is provided with some training by the council) to take on a facilitation role, and ensure that all people have a fair opportunity to introduce new ideas, and challenge the ideas of others.⁵⁶⁸

4. Every discourse participant must have an equal opportunity to influence the choice of how the final determination of validity will be made and to determine discourse closure (i.e., to decide how to decide when there is no consensus).

The precinct system is fairly inflexible when it comes to the first part of this criterion, as the organisation of precinct meetings falls within a structure that is determined by the council's precinct guidelines (which were developed by the council). Therefore, all precincts must have three office bearers, who are given responsibility for facilitating the meeting, and recording in minutes any decisions that are made where a quorum of ten participants is reached. The elected representatives are then advised of the precinct's decision, through the council's precinct liaison officer.

The aim of discussion regarding problematic validity claims is to reach a consensus, although where this does not occur, a vote is taken (with each participant given one vote).⁵⁶⁹ There is no stipulation within the precinct guidelines regarding how it shall be determined when a consensus has not been reached, and a vote is required. However, it generally falls to the convenor to encourage the group towards discourse

⁵⁶⁶ Glenorchy City Council, 'Precinct Guidelines and Constitution', p.12.

⁵⁶⁷ Ibid.

⁵⁶⁸ Zwart, Observations of Glenorchy City Council Precinct and Council Meetings.

⁵⁶⁹ Glenorchy City Council, 'Precinct Guidelines and Constitution', p.10. The exception to this is people who attend a precinct meeting as an observer, and are not a resident of that precinct.

closure, once all members have had an opportunity to introduce and challenge validity claims. When this has occurred, the convenor will ask participants if they would like further discussion of an issue, or take a vote. If discussion then continues for a much longer period of time, the convenor will usually call for an end to discussion and a vote to take place. Alternatively, where the matter is not urgent or more information is required, the matter is included for discussion at a subsequent meeting.⁵⁷⁰

This explanation of the precinct system suggests that this structure allows the citizens of Glenorchy to discuss issues of concern with their fellow citizens, in an environment that is neither threatening or overtly coercive. Furthermore, to some degree it meets all of the criteria of the ideal deliberative process, particularly those that require that all citizens may participate, assert, and challenge the validity claims of others.

6.4.2 Precinct survey: a further introduction to precincts

Before discussing in greater detail some of the issues addressed by precincts, a broader overview of the issues they address and the citizens that attend seems justified. The precincts tend to attract between five and thirty participants to their monthly meetings, or about 150 people each month for the twelve precinct areas.⁵⁷¹ As stated above, precincts deal with a wide variety of issues affecting their local areas. These may be items that council officers or councillors seek feedback on, or that are proposed by citizens for discussion or further action by the council or the precinct. Observations of precinct meetings and a survey conducted of precinct attendees (Appendix One), reveal that a large array of issues are addressed at precinct meetings. For instance, the survey respondents identified a range of issues discussed in their precinct they believed could be categorised as 'environmental.' These were: waste management, parks and reserves, weed management, creeks and rivulets, wildlife destruction, genetically modified crops, noise pollution, erosion control, foreshore management and river pollution, stormwater runoff, the inter-city cycleway, trail bike noise, dog exercise areas, and dog droppings. Other issues regularly

⁵⁷⁰ Zwart, Observations of Glenorchy City Council Precinct and Council Meetings.

⁵⁷¹ Research conducted by the council in June 2001 showed that 548 people or 1.27% of the Glenorchy population receive minutes in the mail from one of the 12 precinct meetings. Glenorchy City Council, 'Council Agenda 4 June 2001' (Glenorchy: Glenorchy City Council, 2001).

addressed by precincts also include traffic and youth issues, and proposed capital works.⁵⁷²

The survey asked a number of additional questions of precinct attendees, and revealed some relevant information about the participants at precinct meetings, and what they discover when they attend. Firstly, the survey supports the many observations undertaken, with the finding that the majority of attendees are older citizens. It was also discovered that people's motivation in attending precinct meetings is most commonly due to a general interest in the activities of their local community and the council, although a significant percentage also attend to discuss a specific issue that directly affects them. Importantly, by attending precinct meetings, the survey suggests that citizens not only become more aware of issues affecting their local environment, but gain a better understanding of council's environmental roles and responsibilities. Moreover, they become more likely to question the environmental policies of the council as a result of attending meetings, given there are greater opportunities to do so, or they feel more confident given the regular contact with council staff and elected representatives.⁵⁷³

As suggested above, it can also be seen that a number of significant local environmental issues have been addressed by the precincts. This chapter will now outline in greater detail how the precinct system has assisted the council in addressing some of these, the first being the council's weed management strategy.

6.4.3 Weed Management Strategy

The Glenorchy Council set out to establish a weed strategy in May 2001 to replace the previously poor and ad hoc treatment of weeds throughout the City. Previous management of the problem had been carried out on the basis that weeds were only treated, and with generally poor results, when they became a serious problem or had

⁵⁷² Zwart, Observations of Glenorchy City Council Precinct and Council Meetings.

⁵⁷³ One precinct liaison officer even stated that for some citizens, simply entering council chambers can be a threatening experience. Getting to know staff and councillors at precinct meetings can increase these citizens' confidence. Glenorchy City Council, Precinct Liason Officer. Interview. Glenorchy, 2 April 2001.

been identified by a person or group of persons from the community. Consequently, it was decided to undertake a much more strategic approach, beginning with a weed mapping exercise that would help build an effective strategy to manage the problem.⁵⁷⁴

After advertising in the local paper and the precincts, the council's Natural Resource Officer (NRO) held two workshops with interested members of the community, and representatives from the State Government Department of Primary Industries, Water and Environment. The first one was attended by about thirty people, and identified and discussed the different types of weeds in Glenorchy. It resulted in three different areas being identified as important to the weed management issue, and requiring slightly different strategies. These were linkways within the city, in the form of footpaths, rivers, and roads; other natural areas; and parks and reserves.⁵⁷⁵ The second meeting further prioritised weed types, and the strategies to be used to manage them. These meetings resulted in the development of the Weed Management Strategy, which includes a spreadsheet that identifies weed types and how they should be addressed, as identified by the community and the NRO. An information sheet was subsequently produced, to enable citizens to identify and address problem weeds in their local area, and ensure continuity in their management. Thus, rather than a strategy 'driven by the needs identified in federal government funding', Glenorchy now has a comprehensive strategy that was created by, and consequently supported by the community.⁵⁷⁶

The initial meetings conducted by the NRO to develop the strategy were considered useful for a variety of reasons, and highlighted to him the utility of the precinct system in dealing with natural resource issues. For instance, precinct members' local knowledge assisted in highlighting previously unrecognised issues, such as the council's spraying of weeds that were not a priority in many areas.⁵⁷⁷ A second advantage was that gathering such a group together became relatively easy. For

⁵⁷⁴ Glenorchy City Council, Environmental Resource Officer. Interview. Glenorchy, 1 March 2001.

⁵⁷⁵ Ibid.

⁵⁷⁶ Glenorchy City Council, Environmental Resource Officer. Interview. Glenorchy, 13 May 2003.

⁵⁷⁷ Each precinct area was allocated approximately \$2000 for work to begin, with specific methods being identified for small, diverse sites. This work was carried out by contractors rather than volunteers however, as the occupational health and safety requirements for dealing with herbicides does not allow the council to delegate this activity to interested community members. Ibid.

instance, when asked how he would have gathered such a group together prior to the introduction of the precinct system, his response was: 'no idea. I guess we would have sent a few letters out to people and advertised in the paper. But the advantage of the precincts is that they are a conduit with other people, and they make it much easier to get a group together.'⁵⁷⁸

A further advantage of the precinct system cited by the NRO is that not only do people 'generally know where the weed problems are', but also 'you get a good coverage of the municipality.'⁵⁷⁹ The Manager of Environmental Services agreed with these statements, when he said:

I guess you would have to ask how would you get that information if you didn't have a network like that to utilise, at that detail, at that level, and you can get a broader regional mapping and that sort of stuff, but when you start getting down to the City of Glenorchy, you have to have a lot of information and input from locals.⁵⁸⁰

Moreover, he believed the usual method of informing the public of such a council activity, through advertising in the local paper, 'would be lucky to attract more than a couple of interested individuals.' Thus without the precincts, gaining detailed information would have been a particularly difficult exercise, while community consultation would probably have been 'only token...unless it was after a flood or something.'⁵⁸¹ As a result, he intends to use the precincts to inform a future project on Emergency Risk Management.⁵⁸²

⁵⁷⁸ The NRO also stated 'at the same time, I doubt they are representative of the community. But they are a start, and an avenue to involve the wider community. So if we use the precincts as well as the other methods of informing people, then there is no problem and the precincts are of great assistance.' Glenorchy City Council, Environmental Resource Officer.

⁵⁷⁹ Ibid.

⁵⁸⁰ Glenorchy City Council, Environmental Services Manager and Acting General Manager.

⁵⁸¹ All councillors interviewed stated they would be more likely to support the aims of this weed strategy given it had a high degree of community input and support. Glenorchy City Council, Councillors.

⁵⁸² Glenorchy City Council, Environmental Services Manager and Acting General Manager.

6.4.4 Humphrey's Rivulet Catchment Care Group

The Humphrey's Rivulet Catchment Care group was formed following a number of presentations from the council's NRO in March 2000, to a couple of the precincts bordering the rivulet. These presentations outlined the history and geography of the area, as well as its environmental and cultural values. In addition, they provided information to precinct members on the existing role of the council and the public in managing the rivulet. They were followed by questions from precinct members regarding the rivulet and property ownership.⁵⁸³

A clean-up day for the rivulet was organised by the council a few months later, and a suggestion was made by three precinct members to form a taskforce to regularly clean up the rivulet. This was followed by a request from the precincts for an update of the work being done on the rivulet by the council. The NRO obliged, and included in his presentation a discussion of the work being done by a 'Work for the Dole'⁵⁸⁴ group, which had been cleaning up the rivulet over a period of months with assistance from the Federal Government's Natural Heritage Trust. The presentation included a discussion of the changing attitude of the council towards the rivulet, and suggestions were made regarding how the community could get involved. Suggestions were also forthcoming from precinct members on educating the public about the importance of the rivulet, and the possibility of erecting displays for this purpose.⁵⁸⁵

A further discussion of the issue by the NRO at the request of a precinct in September 2000, led to a proposal to set up the Humphrey's Rivulet Catchment Care Group with the four surrounding precincts. It was decided that this group would have six members coming from the precincts, two other members representing local environmental groups, as well as the council's NRO. Following a visioning session, a Vision Statement was developed by the members of the group⁵⁸⁶ The vision stated:

⁵⁸³ Glenorchy City Council, Environmental Resource Officer.

⁵⁸⁴ This is a scheme established by the Federal government to provide work opportunities for people receiving government unemployment benefits.

⁵⁸⁵ Glenorchy City Council, Environmental Resource Officer.

⁵⁸⁶ *Ibid.*

The Humphrey's Rivulet Catchment is everyone's responsibility. Through promoting knowledge and awareness while protecting and enhancing the environment we will generate a sense of ownership and improve the recreation and health of the Community.⁵⁸⁷

The group has now developed goals and strategies, and is working towards these with the assistance of Greenlinks funding. The Tumbling Waters and Tolosa precincts have been the driving force behind the formation of the group, and they have made efforts to involve wider sections of the community in their activities. For instance, a school group was going to put in a separate application for a similar project, but following discussions between the two groups, these were combined to increase the chance of both obtaining some of the funding available. As a consequence, they were not only successful in obtaining funding, but the school group will now work on the middle of the rivulet, while the care group will address environmental problems in the upper and lower sections.⁵⁸⁸ A second example of the group's success in involving the broader community was through a questionnaire that was sent out to residents of Tolosa surrounding the rivulet. This invited them to participate in the group's activities, and provide written suggestions for actions they would like to see undertaken along the rivulet. Forty one surveys were returned with suggestions for improving the area offered, including priority areas for rehabilitation, and a walking track. In addition, offers of assistance for a clean-up were provided by a few respondents,⁵⁸⁹ while the NRO received considerable interest from other community members wanting to get involved.⁵⁹⁰

According to the Council's NRO, this group would not have developed without the precinct model, which allowed for it to proceed as a special taskforce. Some of the residents had been discussing the rivulet with the officer concerned for many years, so when the opportunity came in the form of the precinct committees, the group was able

⁵⁸⁷ Glenorchy City Council, 'Humphreys Rivulet Catchment Care Group: Minutes of Meeting 11 December 2000' (Glenorchy: 2000).

⁵⁸⁸ Zwart, Observations of Glenorchy City Council Precinct and Council Meetings.

⁵⁸⁹ Glenorchy City Council, 'Tolosa Precinct Projects Questionnaire' (Glenorchy: Undated). Another method used to inform the community of the groups activities and some 'environmental hints', was through a Neighbourhood Watch newsletter. This was made possible as one of the groups members was also the coordinator of a Neighbourhood Watch Group. Glenorchy City Council, 'Humphreys Rivulet Catchment Care Group: Minutes of Meeting 20 March 2001' (Glenorchy: 2001).

⁵⁹⁰ Zwart, Observations of Glenorchy City Council Precinct and Council Meetings.

to get some community support and form the taskforce. As the NRO stated, 'without the precinct model we couldn't do it, because without the community support it won't move forward.'⁵⁹¹ In fact, the development of the group provided leverage for him to achieve one of his aims, as a natural resource management strategy with community participation had been rejected by the council only a few years before because of concern for the work that may be generated from it, and the corresponding cost to the council.⁵⁹² As the NRO stated 'a year later we have a precinct model, and I have what I wanted by default.'⁵⁹³

A number of benefits have, and may continue to come from this group. Most importantly, the group is attempting to get good environmental outcomes, through activities such as clearing the rivulet of weeds and its many willows, which contribute to flooding of lower sections of the catchment. Secondly, it provides an opportunity to harness the energy of people in the community to undertake these activities, in anticipation that they will gain some responsibility for this public good and will continue to address its needs, with support from the council.⁵⁹⁴ It is also hoped that the group will be able to educate the community about the material they choose to put down their drains, and the effect this can have on their local environment.

6.4.5 Benjafield Park

While not strictly founded for environmental reasons, a second group formed from the Moonah/Derwent Park precinct, around Benjafield Park. For many years there 'was a great deal of negativity'⁵⁹⁵ towards this park, as it did not have very many amenities, and was not a high priority for the council in terms of maintenance due to the high rate of vandalism that occurred. The creation of a new recreational strategy for the city however, saw the low-priority park reclassified as a 'community park.'⁵⁹⁶ This

⁵⁹¹ Ibid.

⁵⁹² This was a detailed study commissioned by the council, to assess the state of the rivulet and make recommendation for further action. Glenorchy City Council, Environmental Resource Officer.

⁵⁹³ Ibid.

⁵⁹⁴ Glenorchy City Council, Environmental Services Manager and Acting General Manager.

⁵⁹⁵ Glenorchy City Council, Property Development Officer. Interview. Glenorchy, 26 May 2001.

⁵⁹⁶ The new recreational strategy outlined three categories, being city level parks, community parks and neighbourhood parks. The idea is that there is a community park in every suburb or two, and that they

contributed to a change in the council's attitude to the park, as the strategy aimed to have a community park within a short drive of every household in Glenorchy.⁵⁹⁷

After the recreation strategy was completed, the council's urban planner held a workshop about the park for community members, and invited people living near the park via mail, as well as nearby groups including a school, and members of an aged care home. From this meeting a draft plan was created, which was subsequently presented to the precinct following its formation a few months later. This presentation outlined the aims and proposed first draft of the design. Following this initial meeting, a small group of enthusiastic precinct and community members formed, calling themselves the 'Friends of Benjafield Park'.⁵⁹⁸ According to the council's urban planner, the group was formed because they wanted to ensure they had input into the park's development, and that council went ahead with it as planned. As a result, the group has contributed ideas regarding the colour scheme of the new shelter and other design work, while they intend to do some tree planting, and help out with park maintenance if vandalism occurs. A second primary aim of the group is to 'develop some feeling of community around the park', which they felt has certainly been lacking in the past.⁵⁹⁹

Like the formation of the Humphrey's Rivulet Catchment Care group, a number of positives have, and may come in the future, from the groups formation. Firstly, according to the nine councillors interviewed, without the precinct input and the development of the group, the council would not have been as keen to support the parks' redevelopment, and certainly not to the level that will now occur. A second outcome of the group's formation from the council's perspective, was that the input of the precincts and the Friends group enabled a more effective exchange of information between the community and the council, than otherwise would have occurred. Thus it was considered easier to gain input from the community about their wishes for the

are a walk or short drive away from every household. Benjafield Park was identified as a community park, with the council deciding to undertake some development as a result. Ibid.

⁵⁹⁷ Ibid.

⁵⁹⁸ Some of the people that formed the Friends of Benjafield Park group came to this initial meeting. Ibid.

⁵⁹⁹ Ibid.

park, as well as informing them about the council's plans and resource limitations.⁶⁰⁰ Thirdly, the groups' local knowledge was considered particularly valuable, as the officer involved became better informed about issues such as the benefit of forming a wind block using trees, in one corner of the park. A further positive, which is a primary aim of the Friends group, is to create a sense of community around the park, and bring people who previously did not frequent the park to enjoy its surroundings, and the company of others.⁶⁰¹ The council officer involved believes that getting people together around the park will have an added benefit, as 'there needs to be some sort of critical mass in terms of the facilities and the people attracted to them. Then it will be much less susceptible to vandalism and treated much better.'⁶⁰² Therefore, it is hoped the establishment of the Friends group can ensure the park becomes an environment that is attractive to all residents of Glenorchy. This was certainly the councils' experience in the late 1980s, when it involved the community heavily in the development of a large park.⁶⁰³

As the previous examples demonstrate, there are numerous benefits to be gained from involving precinct members and the broader community in the development and maintenance of local environments.⁶⁰⁴ Not only has the council gained locally relevant information from citizens who attend precincts, but some citizens have subsequently chosen to assist the council in activities that may improve their local

⁶⁰⁰ The precinct's input also meant that the officer could gain input from people from the entire precinct, rather than only those surrounding the park. Ibid.

⁶⁰¹ At least one community member believed this has occurred around Cooina Park, following a successful barbeque and family day organised by the precinct.

⁶⁰² Glenorchy City Council, Property Development Officer.

⁶⁰³ Giblins Reserve was considered by one long standing councillor as 'a shining example' of the benefit of involving the community in the development of a local area, with the expectation that similar benefits will be derived at Benjafield Park. As the councillor stated, 'up until then, about 13 years ago, every development we did had incredible vandalism. Giblins Reserve...the neighbours actually owned the project, and the vandalism was substantially less. I think the pride they have taken in their area is really a critical factor, and I am sure that they put political pressure on us to make sure it is maintained...so Giblins Reserve is a shining example where it just went from strength to strength.' The formation of this community group around this park was considered by the councillor to have acted effectively as the first precinct group in the city. Glenorchy City Council, Councillors.

⁶⁰⁴ In terms of planning, however, it should be realised that the input of the precinct can, on occasions, create a few problems for the council officers concerned. Some people will not understand or be satisfied with the agreements reached, and 'can get a bit of a bee in their bonnet about some issues.' Glenorchy City Council, Property Development Officer. Furthermore, there is the potential for conflict if the input of people via more traditional methods such as surveys, do not agree with plans proposed by the precinct-initiated group. This can slow the planning process down, and means that the council must ensure that it not only involves everyone in the process, but that it explains effectively the decisions it makes to all concerned. Ibid.

environment. As the survey of precinct members further reveals, participation in precincts has also led to a more informed, interested, and locally active citizenry.

The information gained to date does not, however, allow us to assess the way in which this more informed citizenry makes its decisions regarding environmental issues. People may attend precinct meetings to push an environmental cause and be more informed about their local environment and the policies of council. But when faced with a decision that affects their local environment, will discussion lead people to the recognition and support of a generalisable environmental interest? In order to answer this question, the input of precinct attendees in the council's review of waste management is examined, and forms the basis of the following section.

6.5 Waste Management Task Force

Having been identified as an important concern of the community through its Community Plan,⁶⁰⁵ in May 2000 the Glenorchy City Council began a review of its waste management services. This involved two main avenues to obtain community views - a telephone survey of residents within the municipality, and a series of deliberations within the precincts. In order to make the discussions with the precincts both well informed and manageable, a Waste Management Task Force (WMTF) was formed. This invited each precinct to elect a representative to attend a series of meetings chaired by one of the council's environmental management staff. Developed by the council, the terms of reference for the task force asked its members:

- To provide advice and feedback to Council staff on waste management issues;
- To represent the precincts and provide feedback to precincts on waste management issues; and
- To assist Council staff to undertake a review of waste management services.⁶⁰⁶

⁶⁰⁵ Glenorchy City Council, 'Glenorchy City Community Plan: A Blueprint for the Future'.

⁶⁰⁶ David Baker, 'Review of Solid Waste Services' (Glenorchy: Glenorchy City Council, 2001), p.27.

Following the formation of the task force, all Glenorchy citizens were invited to attend a single meeting on waste issues. This was to provide them with information regarding the council's waste management responsibilities, outline the waste management review process, and to set future directions for the task force. It was subsequently decided that the task force would hold monthly meetings, to consider the six issues that had been identified for review. After each issue was discussed within the group, its members reported back to their respective precinct. This was to pass on the detailed information gained in the task force meeting, and to enable further discussions to occur within the precinct on the specific issue under consideration. Following the dissemination of information⁶⁰⁷ and discussion by precinct attendees, the views of the precincts were passed back to the task force, in the form of recommendations. Nine of the twelve precincts were able to attract a representative to sit on the task force, the other three being unable to do so.⁶⁰⁸

The nine community members participated on the task force with five council officers, although not all were present at all the meetings held over a ten month period. At least one of the council officers at each meeting performed administrative tasks such as preparing and taking the minutes for each meeting, while the Manager of Environmental Services or the Waste Management Coordinator were also present. Their role had numerous aspects, including establishing the group, helping to set the agenda for each meeting, providing background information indicating why the council provides waste management services, and to facilitate discussion. The officers' primary role, however, was to inform the decision making process, and allow the task force and the precincts to reach their own conclusions using the information they had presented to them.⁶⁰⁹ In theory, this role ensured that the power to influence decisions that was held by the council officers, by virtue of their position, was kept to a minimum. Thus the task force would appear to have operated in a similar manner to

⁶⁰⁷ Generally task force members gave a short verbal outline of the issues raised within the task force, and offered some further written material (such as survey results or an more detailed explanation of certain issues) to those who wanted to read it. Zwart, *Observations of Glenorchy City Council Precinct and Council Meetings*.

⁶⁰⁸ Baker, 'Review of Solid Waste Services', p.27-29. Consequently, while these precincts were informed of the progress of the task force, they could not make recommendations to it regarding their collective preferences. Zwart, *Observations of Glenorchy City Council Precinct and Council Meetings*.

⁶⁰⁹ Glenorchy City Council, Environmental Services Manager and Acting General Manager.

the precincts, particularly given the community members from the precincts were not representing any specific interests in the community other than their own, and those of their precinct. The issues discussed and the precincts recommendations to the council (via the task force), were as follows:

Table 7: Precincts Waste Management Recommendations

Waste Service or Issue	Task Force Recommendation
<i>Kerbside Recycling</i>	
Continue weekly crate service	Recommended
Provide nets on request on a user pays and user install basis	Recommended
<i>Refuse Collection</i>	
Continue current 140L fortnightly service	Recommended
Continue option of a 240L bin for larger households of 5 or more	Recommended
Re-introduce Annual Clean-up on a user pays booking system for hard waste	Recommended
<i>Landfill</i>	
Continue to fund landfill on a user-pays basis	Recommended
<i>Green Waste Collection</i>	
Introduce monthly tied and bundled collection at approx. \$13.00/hh/yr	Not recommended
<i>Incinerator/backyard burning</i>	
Ban incinerators/backyard burning	Not recommended
<i>Litter and Litter Bins</i>	
Undertake a review of rubbish bins and cleaning services in the city	Recommended

Two of the more contentious issues discussed by the precincts were the proposals to ban the use of backyard incinerators, and to introduce a monthly, tied and bundled green waste collection service. In this regard, it can be asserted one interpretation of the generalisable environmental interest being debated was that of unpolluted air, given the implementation of the green waste service was designed to at least partially alleviate the need for backyard burning. As suggested in the table, however, the precincts collectively recommended to the council not to introduce a ban on incinerators or introduce a green waste collection service. Each precinct had one vote to determine their overall recommendation, which was not unanimous among all precincts. For both the proposed new green waste service and a ban on incinerators,

three voted for the proposals while six were against them. There was unanimous support for all other proposals discussed by the precincts and the task force.⁶¹⁰

6.5.1 Backyard burning and green waste: a simple green decision?

Of particular interest to this study was the task force's recommendation not to support the proposal to ban backyard incinerators or to introduce a green waste collection service. These measures may at first appear a relatively straightforward solution to an air quality issue. Indeed, achieving a policy change in the area of backyard incineration had been a goal of the council since 1983, when it introduced a by-law that restricted the use of incinerators to three days a week. This law was created with a view to ban incinerators completely once the fire service regulations were changed, which has since occurred.⁶¹¹ Supporting this view of the council has been the adjacent Hobart City Council's recent passing of a by-law banning open-air burning.⁶¹² Further support for a ban on incineration came from two telephone surveys of Glenorchy residents, the more recent being in October 2000 of 403 randomly selected individuals, being a cross-section of the population very close to that of the overall council area. The survey results showed that 72 percent of those interviewed supported a ban on backyard burning, which were close to the results of a 1999 survey in which 77 percent were in favour of a ban.⁶¹³ Of those people interviewed in the earlier survey, only 6 percent actually use incinerators or backyard heaps to burn garden waste.⁶¹⁴

The issue of green waste services has been addressed at a regional level, as Glenorchy is part of the Southern Waste Strategy Board's Waste Management Plan for Southern Tasmania. As a member council, Glenorchy agreed to provide a tied and bundled green organics service at either the basic level (twice a year), or the preferred level (once a month). The implementation of the plan for the strategy requires the adoption

⁶¹⁰ Waste Management Coordinator Glenorchy City Council, 'Review of Solid Waste Services' (Glenorchy: Glenorchy City Council, 2001), p.27-28.

⁶¹¹ Glenorchy City Council, Environmental Services Manager and Acting General Manager.

⁶¹² Glenorchy City Council, 'Review of Solid Waste Services', p.29.

⁶¹³ Myriad Consultancy, 'Research Report: Waste Management Survey for Glenorchy City Council Environment and Development Services' (Hobart: Myriad Consultancy, 2000), p.3-5.

⁶¹⁴ Glenorchy City Council, 'Review of Solid Waste Services', p.29.

of the basic standard by urban councils within three years (from 2001/02), with a move to the preferred standard within four years. The strategy also recommends that member councils investigate the provision of a kerbside composting facility to process material collected from kerbside green organics. Furthermore, the removal of green organics from the waste stream, and the downstream processing and marketing of this material, has been targeted nationally as a principal strategy in meeting State waste reduction targets.⁶¹⁵ A survey conducted in October 2000 also showed considerable support for the green waste collection in Glenorchy, with 43 percent indicating they would use a monthly service at a cost of around 13 dollars per year, down on the earlier survey in which 61 percent said they were likely to support its introduction.⁶¹⁶ In addition, a highly successful three monthly collection trial was also conducted by the council involving 3245 residential dwellings in a number of suburbs between December and February 1999.⁶¹⁷ It is within this context, and with this background information, that the WMTF and the precincts were asked to provide recommendations to the council on green waste and incinerator use.

Why then, did the majority of the precincts and their citizens, decide against the seemingly green 'generalisable' interest of clean air, despite it being a public good? Moreover, to what degree did deliberations within the precincts strengthen the legitimacy of the council's final decision? In order to answer these questions, a series of semi-structured interviews were conducted with eight precinct attendees (six of

⁶¹⁵ Ibid.

⁶¹⁶ The consultants claim that the timing of the survey probably influenced this discrepancy, although the framing of the question would also have had a considerable influence. Myriad Consultancy. 'Research Report: Waste Management Survey for Glenorchy City Council Environment and Development Services', p.7.

⁶¹⁷ The trial was undertaken as one of the initiatives identified in the council's Solid Waste Management Plan, to achieve a target of a 50 percent reduction in waste to landfill by 2002/03. Glenorchy City Council, Waste Management Coordinator. Interview. Glenorchy, 2 May 2001. Participation in the trial varied considerably between suburbs, and ranged from a low of 6 percent at the beginning of the trial, to a high of 17 percent for the last collection in another suburb. All areas except one exhibited an increase in the use of the service over the course of the trial, with an average of 16 kilograms of material placed out by each participating household for the final collection. The council claims that the trial generated considerable interest in the community, and that regular enquiries have been received on the future of the service. The vast majority of those surveyed following the trial had garden waste to dispose of, and supported the introduction of the service due to its convenience and low cost. For instance, 94% of respondents had garden material to dispose of, and 77% of those supported the introduction of a monthly collection service costing around \$1 per month. 62% of people said they would use the service. Ibid.

whom were elected to the task force), and two council officers.⁶¹⁸ Most questions related to the issues of incinerators and green waste, although other waste management issues were also touched upon. The answers to the interview questions, and observations from sixteen precinct meetings, form the basis of the next section of this chapter.

6.5.2 Interviews with task force members

The first question asked the respondents to outline the arguments that were used within the precincts to justify or reject the use of incinerators, and the introduction of the green waste service. The issue of backyard burning was fairly straightforward, with the region's air quality and public health providing the support for a ban on incinerator use. Those opposed to the ban argued that backyard incineration contributed very little to the region's declining air quality,⁶¹⁹ and that this was due to pollution emanating from other sources, such as wood heaters and car emissions. Moreover, the burning of diseased plants was necessary to prevent them spreading throughout people's gardens, and the municipality. For the council and some of the citizens interviewed, the green waste service was considered to be a viable alternative to the burning of backyard green waste. However, those against the introduction of the service considered it was inequitable for non-users, as its viability required it be implemented as a charge to all ratepayers. It was also suggested that the service was unnecessary for residents with home composting, and difficult to use given that waste had to be tied and bundled.⁶²⁰ Another concern was that the green waste service could spread disease, if the material obtained was then resold as garden mulch.⁶²¹

⁶¹⁸ The task force members were chosen on the basis of the way in which their precincts voted and their geographical location, while the council officers were responsible for waste management. All interviews were held within one month of the council's final decision on the task force recommendations. Each was taped and subsequently transcribed.

⁶¹⁹ Glenorchy City Council, 'Review of Solid Waste Services', p.29.

⁶²⁰ Many respondents stated that tying and bundling green waste was difficult, and not easily achieved for some forms of waste such as garden leaves. Concerns were also raised about the likelihood of bundles of green waste being blown away on windy days when placed outside people's houses for collection. Glenorchy City Council, Precinct Attendees. Interviews. Glenorchy, May 2001.

⁶²¹ One of the council officers interviewed suggested this was not a justified concern, given the heat in the proposed regional composting facility would destroy any disease, and would meet national standards. Glenorchy City Council, Waste Management Coordinator.

Having gained a good understanding of the issues involved, six primary questions were asked of interviewees. The first four questions were designed to provide an understanding of how people made their decisions in the precincts, that in theory should encourage decisions to be made on the basis of generalisable interests. The final two questions were aimed at determining citizens' impressions of the legitimacy of the decision making process. The specific questions were:

- Which views did you support and why?
- Did you change your initial views following deliberation with others?
- Do you feel you are better informed about waste management issues after the discussions within the precincts and/or the task force?
- To what degree do you feel you influenced your precinct?
- Do you feel the precincts represent the views of the community?
- How do you feel given the council chose not to adopt all the precincts' recommendations?

The answers to these questions reveal a number of relevant issues about the concept of a generalisable environmental interest, and the potential for the precincts to improve the perceived legitimacy of the council's decisions. The responses gained, and a brief discussion of the conclusions they lead to, are presented below.

6.5.2.1 Changing preferences

Having established the primary arguments used by these respondents and the other precinct attendees, each citizen was asked if they had changed their views on any of

the six waste management issues discussed.⁶²² It is noteworthy that not one of the eight citizens interviewed changed their views following deliberation on the proposed incinerator ban, although one incinerator user was prepared to compromise by reducing his use to one or two days per week. On the issue of green waste, one person who was initially in favour of the proposal voted against it on the basis of its cost, while another said she had not thought about the potential difficulties with the implementation of the proposed service. This did not lead to the altering of her actual vote, although following discussion she came to regard the service as less beneficial than she had initially envisaged.⁶²³

The less contentious issues discussed by the task force did, however, see some people change their views when they realised that altering their preferences would either benefit them personally, or unfairly disadvantage others. For instance, a number of respondents who initially favoured free use of the tip for all citizens soon realised that removing the current user-pays system, would mean a fee would be added to the rates of all ratepayers. This was considered inequitable, as some people would then be paying for a service they do not use. Furthermore, those who initially favoured a weekly garbage service changed their minds when they realised they would have to pay double for the privilege.⁶²⁴

6.5.2.2 Deliberation and environmental learning

Although people were generally reluctant to change their views on the issues that were important to them, nearly all respondents stated they were better informed about some aspect of waste management. As one respondent suggested, 'you would have to be pretty dead not to learn something', while another felt that 'you talk it through and you can see other people's point of view.' The most frequent response to this question related to the group's excursion to the local landfill, with some task force members commenting that they had learnt a great deal, and were impressed by the way the council was handling waste. It is nevertheless noteworthy that of the more

⁶²² The interviewees chosen comprised citizens that were both initially supportive and unsupportive of the proposals put forward by the council on backyard incineration and green waste.

⁶²³ Glenorchy City Council, Precinct Attendees.

⁶²⁴ Ibid.

contentious issues, only one interviewee felt he had learnt anything about the incinerator debate,⁶²⁵ while only one other felt she was more informed about the green waste issue. This is probably because most indicated they were already well informed about these more contentious issues before the task force meetings began.⁶²⁶ This could be expected given the relatively intense interest these issues generated in the precincts and the wider community.

6.5.2.3 Social influence

Having determined what some citizens had learnt from the deliberations and the information provided by the council, task force members were then asked if they felt they had strongly influenced the opinions of those in their precincts. As a consequence of the information they held, and the status they had gained as a result, it seemed possible that the task force representatives could have a distinct influence on the voting behaviour of at least some members of the precincts. All representatives provided written information to the precincts on each issue where it was available, and claimed to have verbally conveyed the benefits and difficulties of each waste management proposal discussed in the task force. Task force members did not generally consider that their views on the various issues had much of a direct influence upon other attendees. Indeed, two precincts voted against the views of their task force representatives regarding green waste and incinerators.⁶²⁷

Despite this general conclusion, one of the representatives interviewed made the point that while some people were difficult to influence, 'the swaying ones' could be influenced by the arguments she presented within her group. Importantly, she considered her influence regarding the green waste service in particular, was due to the value of her argument. However, the comment from another citizen that she was also 'very pushy' and had 'her own agenda', leads to the conclusion that her enthusiasm for the issue and status within the group may well have influenced some

⁶²⁵ This respondent said he had gained a greater understanding of the effect smoke had on inner-city areas. Ibid.

⁶²⁶ Ibid.

⁶²⁷ Ibid.

participants.⁶²⁸ This factor is exacerbated, given not all people appear comfortable expressing their opinions in a formal deliberative situation. One council officer made the point that some of the older members of some precincts don't often participate in discussion during the meetings, although they 'are all really well aware of the issues that are discussed, and talk to me about them after the meeting.'⁶²⁹ Whether these people were swayed by the quality of the arguments used or the personalities involved is uncertain. However, it is obvious that people with informed opinions on issues do not always contribute to debate, while those with strong opinions are often the first to be heard, and sometimes the more persuasive. As a consequence, it may not necessarily be the 'better argument' that decides an issue, but a combination of social factors (as discussed in 3.1.7).

Another important issue regarding the power relations within precincts, is the convenor's role of facilitating the meeting. While convenors are provided with training and appear to undertake their roles as intended in the vast majority of cases, the fact that they also have an interest in, and a strong opinion about some issues, may at times affect their ability to act in an objective manner. Thus, one of the interviewees complained that the waste management issues were not given sufficient time for a full debate to occur, as their convenor had other issues he wanted to discuss, and kept 'shutting everyone else up.'⁶³⁰

6.5.2.4 Representing the community and impressions of the council's decisions

From a strictly demographic viewpoint, the precincts and the WMTF were predominantly made up of older members of the Glenorchy community. Indeed, from observations of precinct meetings and the survey conducted, there were very few citizens under forty attending precinct meetings, which generally comprise small

⁶²⁸ Ibid.

⁶²⁹ Glenorchy City Council, Precinct Liason Officer.

⁶³⁰ Glenorchy City Council, Precinct Attendees. One council officer also commented that 'it really depends on the personalities in those groups, if someone is pushing a particular issue and they are a leader, they could probably subvert the process to look at their problems rather than anyone else's problems.' Glenorchy City Council, Waste Management Coordinator.

groups of between five and thirty people.⁶³¹ As a consequence, most citizens interviewed recognised the small and unrepresentative nature of the groups hampered the precincts' ability to be seen to represent the views of all people in Glenorchy. Some citizens and one council officer considered this particularly important for the backyard burning issue, as 'the whole of the younger generations are totally opposed to backyard incineration', yet very few in this demographic attended precinct meetings to demonstrate this.⁶³² For these reasons, many of the citizens interviewed asserted that the survey results on waste management, which included a large representative sample of Glenorchy population, were a better indication of the views of Glenorchy residents. The unrepresentative nature of the precincts did not concern all respondents, however, as some felt that it was impossible to accurately gauge citizens' opinions, if people were not prepared to attend precinct meetings and discuss the issues.⁶³³

When asked how they felt regarding the council's decisions on waste management, most respondents suggested they accepted them as 'democratic' and legitimate, given the review procedure and the method of making decisions was clear before they took part in precinct discussions and task force meetings. Most citizens accepted that the councillors were elected to make binding decisions, and that the input of the precincts was only one method of understanding the community's views on these issues. Two task force members did nevertheless mention that it could have been a 'bit of a waste of time', given their view that the council had already favoured some courses of action. This was evident through its commitments to a regional green waste service, and the advocacy role they felt one council officer was playing. Moreover, these task force members questioned the fairness of the decision making process, arguing elected representatives had ignored the wishes of the people given its decision on

⁶³¹ The survey (Appendix One) of precinct attendees revealed an even spread of males to females, who had an average age of 57 years for the 52 people who responded. This was well above the average for the City of Glenorchy, of 37 years. Australian Bureau of Statistics, 'Census: Basic and Community Profile and Snapshot'. Research conducted by the council showed in the eighteen months since the precincts were established, that 547 or 1.27% of the Glenorchy population had attended a precinct meeting Glenorchy City Council, 'Council Agenda 4 June 2001' (Glenorchy: Glenorchy City Council, 2001). While these numbers appear small, discussions with other councils around Australia reveal this turnout to be typical for Australian precinct systems.

⁶³² The small and demographically unrepresentative nature of the precincts was considered particularly problematic for the two most contentious issues, given voting within several precincts was dependent upon the votes of one or two people.

⁶³³ Glenorchy City Council, Precinct Attendees.

incinerator use. For them, the deliberative process was entirely legitimate, and thus the collective view of the majority of the precincts should have been supported by the councillors. This view was given greater weight by another incinerator user, who argued that the precinct process was a far more justifiable tool for gaining public opinion, than the survey results that reflected the views of citizens without the benefit of full information, and considerable debate.⁶³⁴

It has become evident then, that while some participants in the precinct deliberations were better informed about some aspect of the waste management issues following discussion, their willingness to truly 'deliberate' over issues could not be assured by the deliberative process itself. Indeed, these interviews reveal that not only can the concept of a generalisable interest be extremely subjective, but so can understandings of democratic legitimacy. These issues are analysed further in Chapter Eight. One issue that remains, however, is how the council responded to the recommendations of the precincts on waste management issues.

6.6 The Council Response

To assist the council's elected representatives to deliberate on the waste management review, the council's waste management officer presented a report to council in early May 2001, recommending that seven of the nine recommendations of the task force be supported by the council. This included:

- That Environment and Health Services By-Law No.4 of 1998, Part 5, Control of Incinerators, be amended to provide for the banning (with stipulated exceptions) of incineration and backyard burning in the City of Glenorchy; and
- That Council consider the introduction of a user-pays, monthly, tied and bundled green organics kerbside collection service in budget estimates for 2002/03.

⁶³⁴ Ibid.

The officer did not, therefore, agree with the task forces' recommendations not to ban incinerators, and not to consider the introduction of a green waste service. The officer's position on these issues was supported by the survey data gained from the broader community, while the implications for the council of its membership of the Southern Waste Management Strategy Board was an important consideration in the recommendation to consider the introduction of a green waste service. A ban on incinerators was also considered 'the most environmentally responsible way of addressing this issue', despite recognition that a council strategy did provide for the development of communication and education strategies to minimise pollution associated with this practice.⁶³⁵ Debate on the officer's report was reasonably short, with all but one councillor supporting all of his recommendations.⁶³⁶ The council therefore decided to ban backyard incineration and consider in the near future, the introduction of a green waste collection service.

6.7 Before Moving On

This chapter has outlined the Glenorchy City Council's precinct system, and shown it to be a deliberative structure that has encouraged citizen participation at the local level. As the chapter has indicated, the precinct system has been used to address a range of environmental and social issues affecting the citizens of Glenorchy, including the development of a weed management strategy and the care of a local rivulet. In particular, the case demonstrated how the council used the precinct system to inform it of citizen preferences regarding waste management issues. In doing so, the interviews conducted discovered that citizens became more knowledgeable about waste management issues. Nevertheless, when faced with a decision that directly affected them, the majority of precincts did not choose to favour the generalisable interest of clean air, while some citizens questioned the legitimacy of the decisions reached. It was also demonstrated, however, that the council's elected representatives

⁶³⁵ Glenorchy City Council, Waste Management Coordinator.

⁶³⁶ There was one exception, being a councillor advocating the introduction of a weekly garbage service, on the basis that a minority he belonged to created more waste. Consequently, he believed they should be given the option of a weekly service on cultural grounds. He moved a motion to this effect that was defeated. Zwart, *Observations of Glenorchy City Council Precinct and Council Meetings*.

did not choose to favour the precinct recommendations regarding backyard incineration and green waste.

With these observations, the thesis now moves on to Chapter Seven to outline a second case study in Australian local government, being the Waverley Municipal Council. Chapter Seven will then be followed by a comprehensive analysis of the two case studies in Chapter Eight, in which both studies will be assessed against the purported environmental benefits espoused in the deliberative democratic literature.

Chapter 7

Waverley Municipal Council



Source: www.expedia.com

7.0 Introduction

Similar to the first case study in southern Tasmania, the Waverley Municipal Council in eastern Sydney is a council with an established history of community consultation. To further extend its relationship with its community and develop council priorities around stormwater issues, the Waverley Municipal Council undertook a citizen jury. Held between the 14th and 16th of September 2001, it has been suggested this citizens jury was the first in Australia to deal with an environmental issue at the local government level.⁶³⁷ An explanation of the aims, operation and outcomes from the

⁶³⁷ Roberta Ryan, Rudland, Susan, Phelps, Annette, 'Enhanced stormwater management in Bronte Catchment through local community participation: Improving stormwater outcomes while strengthening democratic capacity. Final Report' (Sydney: Brian Elton and Associates Pty Ltd, 2001), p.20. An earlier citizens jury was held in local government however, by the Wollondilly Shire Council.

Bronte Catchment Citizen jury constitute this second case study, given it was a deliberative structure that provides for rich comparison with the precinct system of the Glenorchy City Council.

This chapter will begin with an explanation of the geographical and demographic characteristics of the Waverley Municipal Council area, before presenting a brief summary of the council's past and current attempts at participatory democracy. The thesis will then move on to discuss the issue of stormwater pollution, and show how a citizens jury assisted the council to involve citizens in public deliberation on stormwater issues. In doing so, the chapter thoroughly details the jury process, describes the outcomes that resulted, and the impact these discussions had on the resultant stormwater management plan. It shows that not only did citizens become well informed about stormwater pollution prevention, but the outcome of deliberation was to produce an apparently consensual outcome that almost certainly favoured the life supporting capacities of natural systems.

7.1 Geography and Demography

In contrast to our first case which has some rural areas, Waverley Municipal Council is a very densely populated urban council in eastern Sydney, as indicated by the map above. Many of its 60 000 residents are not Australian born, with a relatively large percentage speaking a language other than English at home. It has a very small indigenous population, and houses an extremely well educated, employed, and wealthy group of residents. These characteristics show a population in significantly different circumstances from the average Australian, and the residents of the Glenorchy City Council.⁶³⁸

This jury was formed to develop a social plan to describe the local community, summarise major issues facing the community, and recommend strategies to address the needs identified by the participants. Carson, 'Ideas for Community Consultation: A discussion on principles and procedures for making consultation work', p.37.

⁶³⁸ The statistics that support this are as follows: Median Age 35 (Aust. 35); Aust. Born 51.5% (Aust. 72.6%); English language only at home 70% (80%); Indigenous 0.3% (Aust. 2.2%); Mean individual weekly income \$500-599 (Aust. \$300-399); No qualification past year twelve 51.5% (Aust. 65.3%); Unemployed 4.9% (Aust. 7.4%). Australian Bureau of Statistics, 'Census: Basic and Community Profile and Snapshot'.

7.2 Party Politics at Waverley

Unlike the case in Tasmania and Glenorchy in particular, there is a strong presence of political parties in NSW local government. In Waverley at the time when the case study research was conducted, there were four Australian Labor Party (ALP) members, four Liberals, three Greens, and one independent in the twelve member council.⁶³⁹ It has been argued that historically there has been a greater commitment to public participation among the ALP members, as evidenced by the ALP's initiative to implement a precinct system.⁶⁴⁰ More recently, it has also been suggested that preferred solutions to stormwater prevention have reflected this ideological divide, with ALP and Green members generally the most accepting of community-driven solutions to stormwater pollution.⁶⁴¹ The existence of party politics at Waverley does, therefore, seem to influence the decisions that are reached by elected representatives on some issues.⁶⁴²

7.3 History of Participatory Democracy

The development of a participatory form of democracy at the Waverley Municipal Council may be seen to have begun with the implementation of a precinct system in 1987. Waverley was among the first of a number of councils in Australia to develop such a system, which is similar to the precinct system at Glenorchy.⁶⁴³ The circumstances of its adoption were, however, remarkably different to those in the Tasmanian municipality. Rather than coming as an extension of previously successful attempts to involve the community in decision making, it was developed by a new

⁶³⁹ Waverley Municipal Council. *Your Council*, Waverley Municipal Council, 2003 [Cited 16 May 2003]. Available from <http://www.waverley.nsw.gov.au/talktous/council.html>

⁶⁴⁰ Pearce, Mayor of Waverley.

⁶⁴¹ Elton Consulting, Project Manager. Interview. Sydney, 30 September 2002.

⁶⁴² A more recent example is where a motion against the Iraq war by the Mayor was supported by Green and ALP members, but not supported by the Liberal member present. This reflects the division on this issue among the parties at the federal level in Australia. Waverley Municipal Council. *Your Local Council: Minutes of the Council Meeting held on Tuesday, 18 February 2003*, Waverley Municipal Council, 2003 [Cited 15 May 2003]. Available from <http://www.waverley.nsw.gov.au/council/meetings/2003Minutes/0302/Council.htm> Whether voting occurs due to party discipline or individual preference is uncertain.

⁶⁴³ Indeed, a delegation from the Glenorchy City Council visited Waverley in 1998 to learn about the operation of the system in Waverley. Kim Box, Waverley Municipal Council Community Liason Co-ordinator. Interview. Sydney, 25 September 2001.

council in reaction to four years of extremely closed, and highly corporatised local government. This four year period resulted in findings of corrupt behaviour by the NSW Independent Commission Against Corruption, and the election of a new council.⁶⁴⁴

The precinct system was, therefore, among numerous changes that occurred after a new council was elected in 1987. Its inception followed research from some councillors on a similar system at North Sydney Council, and participatory structures in the Greater London Council. It was introduced primarily to enable members of the public to have direct input into development and building applications.⁶⁴⁵ Initially 17 precincts were introduced on the basis of geographical communities of interest, rather than ward boundaries which, unlike Glenorchy, are still a feature of the council. Following a review, the number of precincts has been reduced to 13, as some of the earlier ones had similar interests and were combining many meetings to discuss them.⁶⁴⁶ The objectives in setting up the precinct system were initially motivated by a desire for more open government. The council's current objectives for its precinct system continue to reflect this initial motivation.⁶⁴⁷

While the precinct system has not been the only manner in which the Waverley Municipal Council has chosen to directly involve its citizens in decision making, it did provide a catalyst to experiment with other formal participatory methods.⁶⁴⁸ For this reason, the use of a citizens jury in September 2001 was considered a way to further extend the range of consultation methods used by the Council.⁶⁴⁹

⁶⁴⁴ Pearce, Mayor of Waverley.

⁶⁴⁵ Ibid.

⁶⁴⁶ Box, Waverley Municipal Council Community Liason Co-ordinator.

⁶⁴⁷ Waverley Municipal Council, 'Waverley Council Precinct Policy' (Sydney: Waverley Municipal Council, 2001).

⁶⁴⁸ Pearce, Mayor of Waverley.

⁶⁴⁹ This was consistent with the council's public participation strategy of 2001, that advocates a range of participation methods, and the need to continually consider innovative approaches such as the jury. Waverley Municipal Council, General Manager. Interview. Sydney, 27 September 2002.

7.4 Stormwater Pollution in NSW

As indicated by a series of community surveys published by the NSW EPA, water quality is consistently among the two most important environmental issues for the people of New South Wales.⁶⁵⁰ Combined with the desire to present Sydney in a positive light at the 2000 Olympic Games,⁶⁵¹ stormwater pollution has been an issue of high priority for the NSW government since at least 1997, when it released a 'Waterways Package' and created the Stormwater Trust. The objective of the Stormwater Trust is to improve the condition of the state's urban waterways, through the support and encouragement of improved stormwater management practices. It has three primary means of achieving its objective. These are a State-wide urban stormwater education program; a Stormwater Grants Scheme, which has allocated funds to local government; and stormwater management planning, which has required local governments to prepare stormwater management plans for urban areas.⁶⁵²

7.4.1 Causes of stormwater pollution and its solutions

According to the NSW EPA, stormwater pollution is caused by three forms of pollution. These are litter, such as cigarette butts, cans, paper or plastic bags; chemical pollution, such as detergents, oil or fertilisers; and 'natural' pollution, such as leaves, garden clippings or animal droppings. These three types of pollution are subsequently discharging into waterways as either sediment, sludge or solids.⁶⁵³

There are two primary ways to reduce stormwater pollution, both of which are referred to as methods of source control. The first is structural source control, which employs techniques that aim to reduce the quantity and improve the quality of the water entering waterways through stormwater. Structural source control involves the

⁶⁵⁰ Environmental Protection Authority. *Who Cares About the Environment*, New South Wales Environmental Protection Authority, 2000 [Cited 16 October 2002]. Available from www.epa.nsw.gov.au/community/whocares Surveys were conducted in 1994, 1997, and 2000.

⁶⁵¹ Environmental Protection Authority, Community Education Manager. Interview. Sydney, 25 September 2002.

⁶⁵² Environmental Protection Authority. *Urban Stormwater Program*, Environmental Protection Authority, 2002 [Cited 11 March 2002]. Available from www.epa.nsw.gov.au/stormwater/usp/index.htm

⁶⁵³ Environmental Protection Authority. *What causes stormwater pollution?*, 2002 [Cited 11 March 2002]. Available from <http://www.epa.nsw.gov.au/stormwater/whatcauses.htm>

use of traditional environmental management approaches typified by 'end of pipe' devices,⁶⁵⁴ which include oil and litter booms, gross pollutant traps (GPT), trash racks and sediment traps. While they have proven effective in reducing the amount of rubbish entering Sydney's waterways, they are, however, unable to catch all silt and litter, and do not prevent chemicals entering waterways. They are also expensive and entail ongoing cleaning and maintenance, with their contents deposited in local landfills.⁶⁵⁵ Despite their shortcomings, these approaches have until recently, been favoured by both councils and the EPA, given the limited research available regarding the effectiveness of non-structural solutions.⁶⁵⁶

The second option for reducing stormwater pollution is through non-structural source control, by changing human behaviour in ways that reduce the pollutants entering the stormwater system.⁶⁵⁷ This message has been widely conveyed through the Stormwater Trust's State-wide Urban Stormwater Education Program (USEP), which occurred between 1998 and 2001.⁶⁵⁸ The USEP clearly emphasised the role citizens can play in reducing stormwater pollution at the source in its educational material, which states:

Stormwater pollution can be controlled if everyone plays a part in managing the drains in the streets where they live and work...if you look after your local drains, you can dramatically improve what happens in the harbours, on the beaches and in the rivers. The most effective way to reduce stormwater pollution is to stop it entering the system in the first place.⁶⁵⁹

⁶⁵⁴ Environmental Protection Authority, 'Managing Urban Stormwater: Source Control' (Sydney: 1998) Available from www.epa.nsw.gov.au/stormwater/usp/srcctrl.pdf, p.3.

⁶⁵⁵ Environmental Protection Authority, *What is urban stormwater?*, Environmental Protection Authority, 2001 [Cited 23 November 2001]. Available from www.epa.nsw.gov.au/stormwater/whatis.htm

⁶⁵⁶ Environmental Protection Authority, Community Education Manager. Indeed, around 80 million dollars has been spent on such equipment over this period as a result of the EPA stormwater grants program. Elton Consulting, Project Manager.

⁶⁵⁷ Environmental Protection Authority, 'Managing Urban Stormwater: Source Control', p.3. There has been a significant debate about the utility of structural versus non-structural solutions to stormwater pollution within the NSW EPA in recent years. Environmental Protection Authority, Community Education Manager. Indeed, it is considered by some to also be the most significant debate in the literature on stormwater pollution prevention. Comparatively little is known about the outcomes from the latter approaches however, which provided one justification for the BCP (discussed below). Elton Consulting, Project Manager.

⁶⁵⁸ Environmental Protection Authority, 'Evaluation of the Urban Stormwater Program: Summary Report' (Sydney: 2001) Available from www.epa.nsw.gov.au, p.10.

⁶⁵⁹ Environmental Protection Authority, *What is urban stormwater?*

The objectives of the USEP were to provide education to improve community knowledge, motivation, capacity and willingness to undertake behaviour that improves stormwater quality. Included in the education was a large mass media component, which comprised television, radio and billboard advertising. This advertising used the slogan 'The drain is just for rain', and emphasised the ability of natural materials to pollute urban waterways, and the wide range of pollutants that affect the stormwater system and subsequent water quality.⁶⁶⁰ Outdoor advertising was also used in urban areas to highlight four major pollutants, being cigarette butts, car washing, painting, grass clippings and leaves. The advertisements show the impact that individuals' behaviour can have on stormwater quality, as demonstrated by the picture below.⁶⁶¹

Car Washing in rivers



Source: www.epa.nsw.gov.au/stormwater/

⁶⁶⁰ Environmental Protection Authority, 'Evaluation of the Urban Stormwater Program: Summary Report', p.10-11.

⁶⁶¹ Environmental Protection Authority. *What can we do?*, [Cited 16 October 2002]. Available from [http: www.epa.nsw.gov.au/stormwater/whatdo/nswgov.htm#5](http://www.epa.nsw.gov.au/stormwater/whatdo/nswgov.htm#5)

The attempt to reduce source pollution continued beyond the State-wide education campaign, into more specific initiatives at the local government level. These were supported by the EPA's Stormwater Grants Scheme, with grants made available in three stages. The Waverley Municipal Council was successful in gaining project funding at each stage. Because of the linked nature of each stage, a brief explanation of Stages One and Two are presented, before a detailed examination is undertaken of the Bronte Catchment Project (BCP) and the associated citizens jury, which was undertaken as part of Stage Three.

7.5 Stormwater Pollution at Waverley

7.5.1 Stage One – physical infrastructure

The Stage One grants were available to projects that involved 'early action works with particular focus on piloting innovative technologies and undertaking remedial actions to improve urban stormwater quality in NSW.'⁶⁶² Their focus therefore, was on innovative structural solutions to stormwater pollution, with the Waverley Municipal Council gaining a grant of \$250 000 to build and monitor a stormwater infiltration system at Campbell Parade, Bondi Beach.⁶⁶³ While the council was unsuccessful in implementing the infiltration device,⁶⁶⁴ it did not prevent the council from gaining a second grant for the implementation of a non-structural approach.

⁶⁶² Environmental Protection Authority. *Stormwater Trust Grants Scheme Stage One Grants*, [Cited 23 November 2001]. Available from www.epa.nsw.gov.au/stormwater/grants/stage1.htm

⁶⁶³ Ibid. This project was managed within the Public Works section of the council, a section generally regarded by the council staff interviewed, as the traditional 'home' for stormwater remediation programs.

⁶⁶⁴ The testing of these devices revealed that they would have been crushed by large vehicles. Consequently, the funding was returned to the EPA. Waverley Municipal Council, Former Environmental Services Manager No.1. Interview. Sydney, 26 September 2002.

7.5.2 Stage Two – community education

The Stage Two grants were allocated to projects that ‘will have a significant and long-term benefit on the health of urban waterways.’⁶⁶⁵ In conjunction with the University of New South Wales (UNSW), in 1999 Waverley Municipal Council received \$500 000 from the EPA to implement and monitor the effectiveness of community education campaigns to reduce stormwater pollution at the source, in three catchments.⁶⁶⁶ For a number of reasons, after the grant was obtained, the management of the project moved from the university to the private consulting firm, Elton Consulting.

The project was divided into three parts, which involved a targeted stormwater education campaign, physical monitoring of pollutants within the catchment, and the installation of gross pollutant control devices in three of the four catchments used for study. More specifically, the objectives of the project were to:

- Involve the community in stormwater pollution reduction strategies and to evaluate the effectiveness of these strategies on specific groups, land uses and activities;
- Provide quantitative information on the effectiveness of education programs aimed at the residential and commercial stakeholders;
- Develop innovative community education strategies that other councils may adopt; and
- Assess the costs/benefits of installing stormwater pollution control devices in small residential catchments.⁶⁶⁷

⁶⁶⁵ Environmental Protection Authority. *Stormwater Trust Grants Scheme Stage 2 Grants*, 2001 [Cited 23 November 2001]. Available from www.epa.nsw.gov.au/stormwater/grants/stage2.htm

⁶⁶⁶ Ibid. A UNSW academic who later became the manager of the Stage Three project, had a long history of working with the Waverley Municipal Council. This partially explains the council’s support for both projects.

⁶⁶⁷ Roberta Ryan, Davies, Peter, Rudland, Susan, Mack, Anita, ‘Effective Environmental Education Campaigns: Working with the Community and Small Business’ (Sydney: UNSW School of Social Science and Policy and Elton Consulting, 2001), p.4.

Four catchments or subcatchments of the Waverley Local Government Area were chosen for the education campaigns - Dover Heights, Bronte, Charing Cross, and Bondi. The areas of Bronte and Dover Heights were subjected to the residential education strategies, the small business campaign was carried out at Charing Cross, while Bondi was used as a control site for both the residential and commercial campaigns (with no campaigns being conducted). The community education campaigns included a series of catchment specific postcards and directly addressed letters; activities involving school children in Bronte; and a street party,⁶⁶⁸ which attracted about one hundred residents.⁶⁶⁹

The consultants conducted pre and post-test surveys of the four areas chosen, and reported their findings in a series of papers and reports. Among the findings of the surveys, were the following:

- Air pollution was consistently nominated as the most important environmental issue, followed by pollution of beaches and other waterways;
- Sewage was nominated as a key pollutant of oceans and other waterways in pre-test results, while stormwater pollution and litter and dumped rubbish, dominated the post-test survey;
- Pre-test levels of knowledge were relatively high, but rose as indicated by the post-test;
- There was a shift away from externalised attitudes and values (such as experts or business will solve the problem), towards a more internal acceptance for stormwater pollution;

⁶⁶⁸ Ibid.

⁶⁶⁹ According to one former Environmental Services Manager, this day attracted about one hundred people, or almost fifty percent of the street's population. The day's activities included entertainment from a local band and face painting, while food was provided by some local restaurants. Advertising about stormwater issues was also undertaken at a stall, although there was no attempt to 'force it down people's throats.' The street party was considered a highly effective means of engendering community support for the council's stormwater initiatives, and an important reason why a disproportionate number of citizens jurors came from the street in which it was held. Waverley Municipal Council, Former Environmental Services Manager No.1.

- There was a statistically significant relationship between attitudes and knowledge;
- The potential effect of soil, sand and silt in the stormwater system was not clearly understood, despite being a feature of the campaign material;
- There were overall improvements in many practices targeted by the community education campaign. For instance, respondents increasingly collected organic matter, cleared leaf litter from street gutters, and used composting to dispose of them. There was also a decrease in the percentage of respondents who regularly hosed down cement areas.⁶⁷⁰

Having demonstrated the value of the educational material for informing the people of Waverley about stormwater pollution, two further processes were conducted in the Bronte Catchment.

7.5.3 Stage Three – deliberative processes

Stage Three funding was allocated for stormwater projects in specific catchments or sub-catchments. Building on the education work done in Stage Two, and with the support of the consultants, the Waverley Municipal Council undertook the Bronte Catchment Project. With a Stage Three grant of \$285 850,⁶⁷¹ the project aimed to:

...facilitate, investigate and evaluate the effectiveness of community-based participatory processes to develop self-implementing and sustainable solutions

⁶⁷⁰ Ryan, 'Effective Environmental Education Campaigns: Working with the Community and Small Business', p.5-6.

⁶⁷¹ Environmental Protection Authority. *Stormwater Trust Stage 3 Grant details*, 2003 [Cited 8 May 2003]. Available from <http://www.epa.nsw.gov.au/stormwater/usp/grants/grants3.htm>. The citizens jury component of this was estimated at around \$20 000. Elton Consulting, Project Manager.

to manage and improve stormwater quality within the highly urbanised catchment of Bronte.⁶⁷²

Previous attempts to reduce stormwater pollution had generally relied upon solutions favouring end-of-pipe monitoring, and 'top-down' community education initiatives.⁶⁷³ This project, however, aimed to reduce source pollution through 'inclusive, integrated and sustainable solutions to stormwater quality, by the community for the community.'⁶⁷⁴ The project included two primary objectives. These were:

- to implement and facilitate deliberative processes that address stormwater quality which involve all sectors of the community. In particular, this will include citizen groups that are generally difficult to identify, or normally impeded from participating in civic issues, and/or not readily perceived as effective stakeholders;
- to monitor the internal and external effectiveness of the process through employing continuous social action-based quantitative and qualitative measures and periodic physical quantitative measures.⁶⁷⁵

The BCP was, therefore, not only considered a potential method to achieve improved community responses to stormwater pollution, but a project that aimed to assess the utility of two deliberative methods, in the form of a tele-poll and citizens jury, to achieve these aims. The citizens jury in particular constituted a conscious attempt by the consultants and the council, to trial a new process at the local level. Moreover, it provided the consultants and the EPA with the added opportunity to apply notions of deliberative democracy to a local environmental issue, and assess the process

⁶⁷² Ryan, 'Enhanced stormwater management in Bronte Catchment through local community participation: Improving stormwater outcomes while strengthening democratic capacity. Final Report', p.14.

⁶⁷³ This view expressed by the consultants, was also supported by the Community Education Manager of the EPA. For him, the project gained support because it had the potential to move the EPA away from its traditional focus on end of pipe solutions and top-down education initiatives, towards participant based education strategies. Environmental Protection Authority, Community Education Manager.

⁶⁷⁴ Ryan, 'Enhanced stormwater management in Bronte Catchment through local community participation: Improving stormwater outcomes while strengthening democratic capacity. Final Report', p.14.

⁶⁷⁵ Ibid.

outcomes in order to establish the utility of the model for the future.⁶⁷⁶ Consequently, considerable analysis of the process was subsequently carried out and made public.

The two deliberative⁶⁷⁷ processes sought to test two assumptions. The first was 'that citizens are capable of understanding, analyzing and applying complex and often technical information, to make a positive contribution to local decision making processes.'⁶⁷⁸ The second was concerned with demonstrating the value of such processes to institutions, given the assumption that citizens 'can be expert, understand the complexity of change and implementation, and produce quality, integrated and sustainable solutions to stormwater management issues.'⁶⁷⁹ It could be argued that the need to attain this objective put considerable pressure on Elton Consulting, to ensure the process achieved positive results for all concerned.

The entire project was managed by the Project Working Group, comprising council, community and EPA representatives, and members of Elton Consulting, who facilitated and drove the process.⁶⁸⁰ An equally diverse Deliberative Processes Planning Group was formed, to resolve more specific issues about the conduct of the two deliberative processes.⁶⁸¹

⁶⁷⁶ According to the consultants, while there have been attempts to use citizen juries in Australia at Old Parliament House in Canberra to explore issues such as genetically modified food and the republic, 'there is limited Australian experience of these models applied and evaluated in practice' Ibid., p.20.

⁶⁷⁷ Whether the tele-poll (discussed below) should be considered 'deliberative' is debatable, given it does not present formal opportunities to discuss the material presented to citizens, in a group situation. For instance, although the consultants consistently described the telepoll as deliberative, it is noteworthy they argue that 'It has become increasingly common to describe a number of recent community consultation initiatives as examples of deliberative democracy, and yet it remains unclear as to how these constitute specifically 'deliberative' rather than practically 'information-giving' processes.' Ibid.

⁶⁷⁸ Ibid., p.21.

⁶⁷⁹ Ibid.

⁶⁸⁰ This group was used to ensure that councillors, council officers, and EPA representatives could contribute to the evolution of the process, and be informed of its progress. In particular, the planning group was able to discuss some difficult issues regarding the relationship between the elected representatives, and the deliberative processes. For instance, there were initial fears regarding the role these processes would have, and whether they were replacing or merely supplementing other information provided to council regarding stormwater. Waverley Municipal Council, Councillors. Interviews. Sydney, 24 September - 4 October 2002.

⁶⁸¹ Following Council recommendation, this group consisted of 19 members from a broad range of interests and perspectives. The membership included representatives from each of the three precinct committees in the Bronte Catchment; three councillors including the Mayor (and Labor ward councillor) and Deputy Mayor (and Greens ward councillor); a councillor representative of the Liberal ward councillor; the General Manager and three council department directors; representatives from the NSW Stormwater Trust; the Bronte Catchment Project Team (from Elton Consulting), and three observers (from the University of New South Wales, the NSW EPA, and a green ward councillor). The group met four times in August 2001, to undertake tasks including developing the questions for the

7.5.4 Citizens tele-poll

A private market research company was employed on behalf of the BCP in late August 2001, to conduct a citizens tele-poll or referendum.⁶⁸² An information package on stormwater pollution and prevention was mailed to all households in the White Pages telephone book, with the postcode representing the Bronte Catchment. It was requested that residents read through the information provided, before they were asked by phone to answer a series of related questions. Of the 877 households contacted, 358 responded, giving a high response rate (of 41 percent), with responses analysed and presented to the Citizens Jury two weeks later.⁶⁸³

The citizens tele-poll aimed to:

- test a series of questions with a representative cohort of residents across the Bronte catchment;
- assess the extent to which residents would engage with detailed briefing information about stormwater issues, and deliberate to produce integrated and sustainable solutions to stormwater management;
- evaluate the effectiveness of community education resources;
- establish a benchmark of broad community perspectives; and
- inform the deliberations of the Citizens Jury, around the same key questions.⁶⁸⁴

tele-poll and the citizens jury, and criteria for jury selection. Ryan, 'Enhanced stormwater management in Bronte Catchment through local community participation: Improving stormwater outcomes while strengthening democratic capacity. Final Report', p.20-21.

⁶⁸² The consultants initially wanted to call this process a referendum, however some of the councillors were concerned that this term may infer they would be entirely bound by the results. As Elton's Project Manager suggested, 'they were committed to the process, but perhaps didn't want to be entirely committed to the outcome. They thought they might have some moral pressure to act on these recommendations if it had the word referendum in it.' Elton Consulting, Project Manager.

⁶⁸³ Elton Consulting, *Bronte Catchment Citizens Jury Foreword and Recommendations*, Elton Consulting, 2001 [Cited 23 October 2001]. Available from http://www.elton.com.au/bronte_rec.htm

⁶⁸⁴ Ryan, 'Enhanced stormwater management in Bronte Catchment through local community participation: Improving stormwater outcomes while strengthening democratic capacity. Final Report', p.21.

For the consultants, this process achieved many of its aims, with successes in operationalising core issues to be considered by the citizens jury; identifying the longitudinal impacts of a community education campaign conducted 15 months earlier;⁶⁸⁵ and establishing a measure of knowledge, attitudes and awareness as a result of the circulation of detailed briefing information. Moreover, it was able to record the emergence of concerns over non-visible pollutants and the impact of urban design and planning issues, as a result of the education campaign and the activities of the Bronte Catchment Project.⁶⁸⁶

Having demonstrated positive improvements in environmental behaviour as a result of both the stage two education processes and the citizens tele-poll, a citizens jury was then held to further discuss the issue of stormwater pollution.

7.6 Bronte Catchment Citizens Jury

The citizens jury is becoming an increasingly familiar tool for involving citizens in public deliberation, and involves a well established set of procedures including who should be involved, and the structure of deliberation. It is created by a commissioning authority, such as a council, that has the power to define the issue and respond to the jury's recommendations. Citizens juries are interactive deliberative processes that generally run for between two to four days. They involve a selection of citizens by a random selection method that matches the characteristics of the citizen group being consulted. Participants are provided with briefing information before they meet, and then invited to listen to, and question the opinions of 'expert' witnesses. A formal report is then developed for the commissioning authority via a facilitated process.⁶⁸⁷ The Bronte Catchment Citizens Jury followed this established model, and met between the 14th and 16th of September 2001. A brief discussion of the jury process and how it meets our criteria for deliberative democracy, is presented below.

⁶⁸⁵ The consultants suggested that the positive improvements in attitudes, knowledge and behaviour demonstrated after the stage two education campaign, clearly continued 15 months later. *Ibid.*, p.42.

⁶⁸⁶ *Ibid.*, p.22.

⁶⁸⁷ Carson, 'Ideas for Community Consultation: A discussion on principles and procedures for making consultation work', p.37.

7.6.1 The 'who', 'where' and 'how' of jury deliberation

Similar to the precinct system at the Glenorchy City Council, the Bronte citizens jury was a formal participatory structure designed to inform the elected representatives of Waverley Municipal Council about citizen's preferences regarding an issue of public concern. In this regard, it may be viewed as fitting with our understanding of where deliberation should occur, occupying a space that may be considered part of the public sphere. The issue of who should participate was, however, more complex.

The BCP took great care in selecting its fifteen jurors, given it was considered 'a key test for the process, upon which it was felt the Jury would rise or fall.'⁶⁸⁸ The citizens of Bronte were invited to participate through posters displayed across the catchment (including local businesses, Council offices, the library, community centres, community notice-boards, and the surf club); articles and advertisements in three local newspapers; flyers distributed at community events; community education materials directly mailed to a significant majority of households across the catchment; and via the Citizens Tele-poll. As a result, 71 local residents volunteered to participate. These volunteers were then contacted over a two week period by a member of Elton Consulting, to outline the process in detail, including the voluntary and unpaid nature of participation, the pre-jury forum, and the length and nature of the jury process.⁶⁸⁹ Following this explanation, those who were interested and available to participate were asked a series of questions about their demographic characteristics, environmental values and attitudes, and involvement with local government and their community. The questions were used as a basis for the selection process, to ensure the jury represented a cross-section of views, experiences, and demographic characteristics for the Bronte area.⁶⁹⁰

⁶⁸⁸ Ryan, 'Enhanced stormwater management in Bronte Catchment through local community participation: Improving stormwater outcomes while strengthening democratic capacity. Final Report', p.27. This statement gains further support when we consider the criticism levelled at the self-selecting and unrepresentative nature of the Glenorchy precinct members. Thus it was essential to gain a representative group of the Bronte Catchment, not only in terms of age and gender, but also factors such as environmental values.

⁶⁸⁹ The consultants also emphasised 'the unique and innovative nature of the process', and suggested it was an opportunity 'to participate in an Australian first, to hear a range of evidence about issues of fundamental concern across the community, and with their fellow citizens, develop recommendations to influence local decision making.' Ibid., p.26.

⁶⁹⁰ Some questions were based on criteria recommended by the Planning Group and developed by the project team. Others were based on those taken from a series of social surveys about community

While the emphasis on obtaining a cross-section of views was considered most important, one noteworthy factor in the juror selection process was the emphasis on obtaining the participation of citizens who had limited involvement in local government affairs, and were not associated with established community groups or 'sectional interests' including the precincts and Keep Bronte Beautiful (KBB).⁶⁹¹ Thus the consultants and the planning group made a conscious attempt to avoid 'the usual suspects' who attend public meetings and council events,⁶⁹² and hear from a group of citizens (or non-traditional stakeholders) not normally involved in public discussion and decision making. The jurors chosen consequently valued both local government and community processes, but did not frequently participate in established forums.⁶⁹³ The goal of the jury, therefore, was to not only produce recommendations for the council, but also extend the number of people experiencing a participatory process at the local level.⁶⁹⁴

Another important factor about the jurors, was their commitment to environmental issues. This is demonstrated by a pre-jury questionnaire, which revealed that 14 of its 15 members felt both that individuals should be responsible for the environment, and that they would be prepared to change the way they do things if it improves the environment.⁶⁹⁵ The consultants suggested that these positive environmental values

participation, and involvement with local government and environmental concerns, previously administered across the Waverley Local Government Area. Many of these questions had 'been rigorously tested in a variety of settings with a range of communities', and 'repeatedly achieve statistically significant reliability and validity scores.' *Ibid.*, p.26-27. The eventual jury chosen involved eight females and seven males, ranging from 22 to 69 years. It was formally educated to a high level, having seven participants with a university degree, and five with a trade or TAFE diploma. All jurors except one spoke English at home, and their median annual income was between \$40,000 and \$70,000. *Ibid.*, Appendix J.

⁶⁹¹ Keep Bronte Beautiful is a local community group that began following the initiative of a local landscape architect, who wanted to see improvements in the management of Bronte Park. Keep Bronte Beautiful, Convenor. Interview. Sydney, 5 October 2001. The KBB has come to act in a similar manner to the precincts in the area.

⁶⁹² Elton Consulting, Project Manager.

⁶⁹³ Ryan, 'Enhanced stormwater management in Bronte Catchment through local community participation: Improving stormwater outcomes while strengthening democratic capacity. Final Report', p.28.

⁶⁹⁴ Elton Consulting, Project Team Member. Meeting. Sydney, 9 October 2001.

⁶⁹⁵ They did however, have mixed views regarding the ability of experts to resolve environmental problems. Ryan, 'Enhanced stormwater management in Bronte Catchment through local community participation: Improving stormwater outcomes while strengthening democratic capacity. Final Report', Appendix J.

and commitment to local democracy is typical of Bronte residents,⁶⁹⁶ and generally higher than the citizens of the other catchments surveyed. Furthermore, water quality issues were of considerable concern. Consequently, while the jury comprised a representative group of Bronte residents, the consultants were correct in suggesting they were:

...highly aware, knowledgeable and activated around the issues of the environment and stormwater pollution. In this context, it is no surprise to convene a Jury of knowledgeable and environmentally aware citizens. They may not represent the profile of other communities, but in this sense, the Jury clearly mirrored community characteristics in the Bronte Catchment.⁶⁹⁷

It should also be recognised that, as the 1996 Census reveals, the Bronte area encompasses a relatively high income, educated, and professional community. Moreover, it is a predominantly white, English speaking community, with a significant proportion of residents fully owning their own homes. The characteristics of the jury members subsequently mirrored as close as practicable, those of the broader Bronte community.⁶⁹⁸

Having established the location of, and primary participants in the jury process, the question of how deliberation occurs must now be addressed. This will be done by using the four modified criteria for procedural fairness, as established in 2.2.2.3.2.

1. Anyone who considers him or herself to be potentially affected by the results of the discourse must have an equal opportunity to attend the discourse and participate.

As suggested above, all citizens in the Bronte area were informed of the opportunity to participate in the jury, via a range of methods. Following this, it was made clear to

⁶⁹⁶ In this regard, the jury would seem typical of Bronte residents, as 88 percent of Bronte residents surveyed believed individuals should be responsible for the environment. Elton Consulting. *Bronte Catchment Citizens Jury Foreword and Recommendations*.

⁶⁹⁷ Ryan, 'Enhanced stormwater management in Bronte Catchment through local community participation: Improving stormwater outcomes while strengthening democratic capacity. Final Report', p.27.

⁶⁹⁸ Ibid.

the 71 volunteers that only 15 of them would be selected to take part in the jury on the basis of demographics, education, involvement with local government and their local community, and environmental values.

While all citizens had an opportunity to volunteer to take part in the jury, it is clear that not all would subsequently be given the opportunity to participate. This was because one of the primary goals of the jury was to broaden the range of people involved in decision making processes at the local level. As a consequence, those who had demonstrated an interest in such processes in the past were deliberately excluded.⁶⁹⁹ The fact that members of political parties, politicised community groups, and precincts were not involved was considered vital by the six elected representatives interviewed. Indeed, some even suggested they would not have been accepting of the process if this had not occurred. In their view, the ability of the planning group to establish a jury which was broadly representative of Bronte residents, and did not involve people who could be seen to have vested interests did, however, give the process considerable legitimacy.⁷⁰⁰

Another factor which was important in the jury process but not acknowledged in the official selection criteria by the planning group, was the desire to select participants who the consultants believed would be 'good' participants in the deliberative process. Elton Consulting therefore asked one of their senior staff to conduct the interviews, and choose citizens that did not appear 'overly' opinionated, who demonstrated an ability to listen, and had a friendly manner. While this was clearly an incredibly subjective exercise, this profile of person was favoured because there was a recognition that some personality types can dominate small group situations, and may prevent others from expressing their views. It was hoped the jury selection would partially alleviate this concern, and ensure that all its members would feel free to voice their opinions, and challenge the views of others.⁷⁰¹

⁶⁹⁹ For instance, one precinct convenor was particularly keen to take part but was excluded by virtue of her role in this group. Waverley Municipal Council, Precinct Member No.1. Interview. Sydney, 27 September 2002.

⁷⁰⁰ Waverley Municipal Council, Councillors.

⁷⁰¹ Elton Consulting, Project Team Member.

2 and 3. Every discourse participant must have an equal opportunity to make validity claims and challenge the validity claims of others.

While the 15 citizens selected to participate in the jury are the focus of the deliberations, the three day process was facilitated by two (arguably) independent facilitators, and supported by staff members of Elton Consulting. Also involved were the seven expert presenters, while some council staff were also available during the three day jury to address any further questions the jurors may have had.⁷⁰²

The equal ability of each discourse participant to make and challenge validity claims is one of the most prominent features of the citizens jury model, and the Bronte jury was no exception. The jury was established to address a series of related questions about stormwater pollution that were framed by the planning group. These questions were only considered a starting point for discussions, however, with the jurors given the opportunity to discuss the questions with each other, and recommend to the facilitators any changes they considered appropriate.

The first day and a half subsequently involved a series of expert presentations of between 30 and 60 minutes, followed by a half hour period for questions from the jury. In this case, the two facilitators ensured that all questions were answered to the satisfaction of the jurors,⁷⁰³ and that all had an equal opportunity to speak and have their concerns addressed. The second day and a half involved a series of facilitated small group and whole group exercises designed to allow for considerable deliberation, and led to the production of a report to the council. Once again, the role of the facilitators was to ensure that each exercise allowed jury members to voice their own opinions, and challenge the views of others. They even suggested to the jurors that their role included preventing people's opinions from being altered by social pressures to conform.⁷⁰⁴ The short time frame in which the report had to be produced almost inevitably led, however, to some discussions on the final day being conducted

⁷⁰² Ivan Zwart, Observation of Bronte Catchment Citizens Jury. Waverley Municipal Council, 14-16 September 2001.

⁷⁰³ In the few cases further information was required by a juror, a member of the project team endeavoured to provide this as soon as possible. Ibid.

⁷⁰⁴ They suggested they would try and ensure 'you are not being swayed by a stronger person in your group.' Ibid. This function of the facilitators clearly gives them a powerful position within the deliberative process.

in a relatively brief manner. As a consequence, it is possible that some jurors may not have been able to fully express their ideas and concerns, and challenge those of others.⁷⁰⁵

4. Every discourse participant must have an equal opportunity to influence the choice of how the final determination of validity will be made and to determine discourse closure (i.e., to decide how to decide when there is no consensus)

The facilitators of the Bronte Catchment Citizens Jury were particularly keen to ensure that all citizens were able to influence the determination of validity and discourse closure. This needed to occur, however, by giving consideration to the three day timeframe, and the goals the jury had set itself before meeting. In order to achieve these aims, the expert witness presentations were followed by a discussion of the process and rules for decision making. The facilitators suggested that consensus should be the aim of discussions, but told the jurors ‘we want you to decide what process should be used to decide issues.’⁷⁰⁶ Furthermore, they stated, ‘the main point about this process is that it is a deliberative process...this is not about majority rules. This is something you can keep debating. We’re saying there are options that you have to make decisions.’⁷⁰⁷ Indeed, the consultants did not believe that jurors should come to total agreement on all issues. They simply expected the jury to make recommendations on those issues they could agree upon, and note those issues they could not agree upon in the final report.⁷⁰⁸ They were even prepared to produce a minority report to the council if this was required.⁷⁰⁹ Consequently, the facilitators stressed the importance of expressing and reporting minority views, and suggested to the jurors they would ‘move on with those issues we cannot agree on, and work on

⁷⁰⁵ The final group exercises were conducted within a particularly tight timeframe Ibid. As the consultants suggest however, there is an inherent tension between people’s willingness and ability to be involved, and the range of deliberative and cognitive processes that must take place to produce considered and valuable recommendations. Ryan, ‘Enhanced stormwater management in Bronte Catchment through local community participation: Improving stormwater outcomes while strengthening democratic capacity. Final Report’, p.29-30.

⁷⁰⁶ Zwart, Observation of Bronte Catchment Citizens Jury.

⁷⁰⁷ Ibid.

⁷⁰⁸ Ryan, ‘Enhanced stormwater management in Bronte Catchment through local community participation: Improving stormwater outcomes while strengthening democratic capacity. Final Report’, Appendix K.

⁷⁰⁹ Elton Consulting, Project Manager.

those that we can.’⁷¹⁰ The jurors agreed that the facilitators should tell them when they felt a consensus was reached, but allow them time for further debate if they felt it was required. The facilitators also asked jurors to be aware of time constraints, but stated they had to be very careful not to lead the process or shape the answers that the jurors provided. Therefore, they asked the jurors to tell them if they were not acting in an impartial manner.⁷¹¹

From this explanation of the Bronte Catchment Citizens Jury, it can be argued that it was a deliberative structure that allowed at least some of the citizens of Waverley to discuss stormwater issues in a non-coercive and non-threatening environment. The jury also meets to some degree, our simplified conditions for ideal speech. For instance, it did not entirely meet the first criterion of equal opportunity for participation, given that it deliberately discriminated against some citizens, such as members of politicised community groups. The use of independent facilitators did, however, endeavour to ensure those who did participate could raise validity claims, and challenge those of others. Similarly, the jury was also particularly strong in its willingness to allow the citizens involved to determine how decisions should be made, and when the discourse should end. Given these considerations, it may be argued that the citizens jury is a reasonably close approximation to the ideal deliberative process. The chapter will now move to document the activities of the Bronte Catchment Citizens jury over its three day duration, before discussing the jury’s recommendations, and the council’s response.

7.6.2 Pre-jury forum

After the jury selection, the jurors were invited to attend a pre-jury forum at Bronte beach, five days before the jury began. The day was an opportunity for the citizens, facilitators and consultants to meet and discuss the process. The first part of the day looked at the purpose of the jury, outlined the process, established ground rules, and

⁷¹⁰ Zwart, Observation of Bronte Catchment Citizens Jury.

⁷¹¹ Ibid.

the production and use of the final report.⁷¹² The second half of the day involved ‘a series of experiential catchment-based activities designed to explore environmental and coastal issues related to the focus of deliberation.’⁷¹³ Pictures from the pre-jury forum are presented below. As these images show, a marine biologist and a botanist were also in attendance, to explain some of the causes of stormwater pollution in the catchment.⁷¹⁴

Discussion of Stormwater Issues in Bronte Catchment



⁷¹² Ryan, 'Enhanced stormwater management in Bronte Catchment through local community participation: Improving stormwater outcomes while strengthening democratic capacity. Final Report', Appendix K.

⁷¹³ Ibid., p.22.

⁷¹⁴ Elton Consulting, Project Team Member.



Source: www.elton.com.au/talkBronte/bronte_pre_cj_images.htm

7.6.3 Three-day citizens jury

The formal jury process began early on the 14th of September, with a welcome from the Mayor of Waverley Municipal Council. In his welcome he briefly outlined the issues surrounding stormwater pollution in the Waverley area, when he stated:

We have had increased urban runoff with development over time, which has led to poor water quality in the Bronte area. And we have traditionally used end of pipe solutions. Now we want to build something more sustainable and develop some behavioural change. There is sediment and plastic and a lot of pollutants we don't see in the catchment, such as dissolved toxins, oils and so on. And we need behavioural change to resolve some of these issues.⁷¹⁵

The Mayor's introduction was also instructive regarding the nature of Australian democracy, as he suggested that government in Australia is generally of a representative democratic structure, and consequently the 'level of disillusionment is high, and the separation between those elected and the citizens is often great.'⁷¹⁶ The jury was, however, an opportunity for a more direct form of democracy that enabled

⁷¹⁵ Zwart, Observation of Bronte Catchment Citizens Jury.

⁷¹⁶ Ibid.

the citizens to represent themselves, rather than having ‘experts and politicians subject their expertise on your lives.’⁷¹⁷

Brief welcomes were then provided by a NSW Stormwater Trust representative and an indigenous councillor, before a glossary of terms was presented by the facilitators for the jury to consider.⁷¹⁸ Included in this glossary was an explanation of deliberative democracy, in which one of the facilitators suggested that ‘the key movement we expect when you come together is that you move from coming with your specific knowledge and interests, and move to a position of general interest for the catchment.’⁷¹⁹ Moreover, this facilitator suggested that ‘we need you to consider things that are good for the catchment.’⁷²⁰ At this point a juror asked the question ‘what is the difference between a specific and a general interest?’, to which the facilitator replied ‘we want you to decide.’ She later suggested, however, that a general interest might be one that is good for ‘the whole catchment, or the whole environment’, rather than looking at simply one specific solution, such as bush regeneration.⁷²¹ Here, it seems, the facilitator was using the concept of general interests to reinforce a key message of the education campaign, that holistic or integrated approaches to stormwater pollution were favourable to a focus on specific solutions (such as engineering ones), which had been so readily applied in the past but failed to reduce pollution at the source.

Before the questions were put to the jury for initial consideration, a preamble was included for them to consider. The preamble stated that:

Everyone has an impact on stormwater pollution in the Bronte Catchment – residents, businesses, visitors, schools, sports clubs, Council, State Government, planners, developers and builders, just to name a few. If you live in, work in, or visit the Bronte catchment area, you can help reduce stormwater pollution.⁷²²

⁷¹⁷ Ibid.

⁷¹⁸ One of these was from the consultancy group and a part of the project team, while the other was the director of the consultancy group managing the process. He was not officially a part of the project team. Ibid.

⁷¹⁹ Ibid.

⁷²⁰ The facilitator then asserted that ‘this process is what will make people take this problem seriously.’ Ibid.

⁷²¹ Ibid.

⁷²² Ibid.

If the goal of the jury was not clear enough from this statement, its members were also asked to ‘seek sustainable (integrated and on-going) solutions to environmental concerns in the Bronte Catchment’, and address the following questions:

- Who has an impact on stormwater pollution in the Bronte Catchment and how?
- What can be done to prevent stormwater pollution?
- How can stakeholders work together to ensure practices that prevent stormwater pollution now and in the future?⁷²³

The discussion of the glossary and questions (which were not drastically altered) provided a starting point for the presentation of information to the jury, from seven ‘experts’ from different institutional and technical perspectives. These extended from the morning of the first day, until lunchtime on the second. They were half an hour in duration, and were followed by half an hour in which jury members could ask questions of these witnesses. Table Eight provides a short summary of the issues each presenter discussed, and the nature of the questions that followed from the jury. In some cases where the expert presenter could not adequately answer a question from a jury member, either the expert or the consultants conducted further inquiries to address the issue by the following day.

⁷²³ Ibid.

Table 8: Bronte Citizens Jury Expert Presentations

Expert presenter	Issues discussed included	Questions from jury addressed
Waverley General Manager	Council’s departmental structure and strategic direction; historical response to stormwater pollution	Causes of stormwater pollution
Social Ecologist	Slowing water flow through permeable surfaces; soil structures; broader issues including how humans live	Priorities for reducing stormwater pollution; business education programs; types of fertilizers
Environmental Scientist	Urban runoff project; natural processes and pollutants; need for environmental research and coordinated approach	Priorities for reducing stormwater pollution;
Engineer	Stormwater prevention technologies including GPT’s, including their limitations and expense; need for non-engineering solutions to solve environmental problems	Technical aspects of particular engineering solutions
Environmental Education	Included jury in initial discussion of education; variety of approaches to education; potential of education to mobilise and increase interest in environmental issues; deliberation and learning	Most effective strategies for learning; utility of signage for informing residents; business education
Urban Planner	‘Water sensitive design’ approach, including its ability to reduce water loss and flow speed; water cycle; performance standards	Technical aspects of water sensitive urban design
Community Development	Social approach to environmental mangement; methods for changing attitudes including maximising people’s involvement; concept of community	Concept of community; attitude change over time; community relationship with jury process

7.6.3.1 Jury deliberations

Having listened to and questioned the seven witnesses over a day and a half, the remainder of the three day period gave the jury, with the assistance of the two facilitators, the opportunity to develop some formal recommendations to a range of audiences. Also present and involved during deliberations was a number of Elton Consulting employees including the project manager, two NSW EPA staff who provided expertise when required, and an ABC radio journalist. Other council staff

were on call at various times during the deliberations, to answer any questions the jury had of them.⁷²⁴

The formal deliberations began with a brief discussion of the process to occur over the ensuing day and a half, including the need for time to be monitored carefully, and the rules by which decisions would occur. A brief discussion of the concept of consensus and the need for minority views to be expressed (as explained above) also took place. During these discussions, it is noteworthy that one of the jurors commented she had 'learnt and been swayed by new information provided to us today already', while another suggested that 'my expectation is through conversation we will get to another level of thinking, as we can see already our different motivations and our passions.'⁷²⁵

7.6.3.1.1 Establishing themes

The first exercise that the jury members were asked to perform was to write down three priorities for improving stormwater. Each idea was written on a separate piece of paper, without discussion between jurors, before being stuck to butchers paper and categorised by the facilitators. Discussion then occurred about the themes chosen by the facilitators, with jurors sometimes asked to explain the meaning of their preferences. Some of the initial themes chosen were altered following debate. The eventual themes chosen were pollutants, values, education, urban planning, research, and regulation.⁷²⁶

7.6.3.1.2 Developing priorities

Having developed six initial categories, a subsequent exercise was held to establish the jury's stormwater priorities. Each participant was given five orange dots to stick under one of the headings on a wall, without discussion between jury members. The result was a fairly even spread of dots, with the decision made that education should

⁷²⁴ Ibid.

⁷²⁵ Ibid.

⁷²⁶ Ibid.

be the number one priority. The second day finished with the jurors, facilitators and some members of the project team standing in a circle, with the question posed ‘how does everyone feel?’ The vast majority of jurors provided positive responses, such as ‘good’, ‘excellent’, or simply ‘tired’, which could be expected given the long day of witness presentations and deliberations. One juror, however, said he felt frustrated. The reasons for this feeling was quickly addressed by the facilitators the following morning, with the group then agreeing with a facilitator’s suggestion that they should ‘go imagining.’

7.6.3.1.3 Imagining a Sustainable Bronte

One of the facilitators asked the jury to imagine it was the year 2020, and they were in Geneva as representatives from the Bronte community, to ‘accept an international environmental award for sustainable, integrated, stormwater pollution prevention in the Bronte catchment.’ The jury was asked to form three groups, and draw a diagram on butchers’ paper that described the vision and ideas that enabled them to get the award.⁷²⁷

After working on their ideas for half an hour, each group presented their posters to the other participants. These posters were presented with great enthusiasm by the jury members. One involved a ‘no gaps umbrella’, while another pictured a waterfall and people at an annual water festival. Numerous innovative solutions were offered within these posters to provide an integrated, wholistic approach to stormwater management. These included an annual water festival, a solar powered inclinor, educational tours of the catchment, a community mulching station, and symbols that included clapping dolphins and healthy frogs. These posters were placed on the wall to remind people of their visions and innovative ideas for the catchment.⁷²⁸

⁷²⁷ Ibid.

⁷²⁸ Ibid.

7.6.3.1.4 Recommendations to stakeholders

The next task for the jury was to discuss recommendations for each of the stakeholders. One of the jurors very quickly stated she would like to see a preamble, which was accepted by the other members as a suitable way to begin the recommendations. Words with which to form the preamble were added to a separate sheet, as the recommendations were discussed.⁷²⁹ Before the discussion on the recommendations began, one of the facilitators commented 'If you think we are putting words in your mouth, please tell us. But we do need to try and summarise your ideas.'⁷³⁰

The first heading chosen was 'education', with the question asked 'who are the stakeholders?' Responses from the jury included the Waverley Municipal Council, various community groups, the NSW EPA, the catchment board, and numerous other government departments and instrumentalities. Discussion then proceeded on the basis of the group's recommendations for the EPA, the Waverley council, businesses, visitors, and households. These categories were raised one at a time by the facilitators, and agreed to by the jury.⁷³¹

The discussion of education began with a brief explanation of the EPA's current activities, by the EPA observer. One juror subsequently made the comment that it was clear they needed to 'sustain the effort', while another felt that 'for me, the participation comes first. This is most important because it allows for education.' Discussion on recommendations to the council included comments such as 'we want them to stop taking a band aid approach', which 'will only happen with an educated, mobilised community.' Prompted by one jury member, a range of ideas from the earlier group activities was suggested for the council to pursue and support, including street theatre, parties and stalls, and a 'satellite marine discovery centre.' Furthermore, the comment was made that the jury recommendations should 'target the representatives with the singing frog program', and the proposed annual water

⁷²⁹ One juror with a botany background also gave a short presentation on a variety of weeds in the catchment. A few of the jurors stated they were surprised that some of the plants discussed were considered weeds. A short presentation answering some jurors questions arising from the previous day, were also answered by the council's corporate services manager. Ibid.

⁷³⁰ Ibid.

⁷³¹ Ibid.

festival. Recommendations to business included partnerships and sponsorship of stormwater solutions, and explaining to businesses their responsibilities towards the catchment. One juror said ‘the message we need to get to them is the reason they are there is because the beach and the catchment are so good and clean. If it wasn’t, they would not be there.’⁷³²

The discussion regarding local citizens’ roles in preventing stormwater pollution was particularly instructive regarding the success of the various education campaigns and the expert presentations, as many jurors suggested citizens had a large responsibility for the health of the catchment. Thus one juror argued they ‘should be told what they can do’, given ‘they are critical and central to this.’ One person’s comments echoed the desire of some jury members to encourage people to reassess the way they conceive of their natural environment, with the statement ‘the environment should be an extension of your home. Use it accordingly.’⁷³³ Recommendations to visitors included informing them of the value of the area to local residents, and the need to ‘treat Bronte as we do.’⁷³⁴

Only the priority area of urban planning was discussed by the participants, before a luncheon break. The ideas raised included the introduction of rainwater tanks; comparisons of the percentage of impervious surfaces in Waverley and Kogarah Councils, (and the need to consider this in the planning system, as suggested by a facilitator); and a suggestion from a facilitator that the ‘council take a leadership role in experimenting and innovation in urban design’, which was accepted by the jurors.

7.6.3.1.5 Further stakeholder recommendations

Subsequently, the facilitators asked jurors to form four groups, with each making recommendations for a specific theme. The areas for recommendations were

⁷³² Ibid.

⁷³³ The idea of describing the current Bronte residents as ‘permanent visitors’, and others who frequented the area as ‘temporary visitors’, was once again raised by one juror. For one of the facilitators, this idea linked ‘with the indigenous issues, the idea we are custodians of the land.’ It was a theme which was to be repeated in the jury recommendations and presentation to council, and the consultants report. Ibid.

⁷³⁴ Ibid.

suggested by the facilitators as research/monitoring; 'what happens next' (role of the jury in the future); regulation and enforcement; and infrastructure/projects/community works. Importantly, the infrastructure group was an entirely new suggestion from the facilitators, and a specific area which was not mentioned throughout deliberations, or when the initial theme areas were chosen. Similarly, the formation of a 'what happens next group' was an explicit request from the project manager, who felt there should be some discussion of the future role of the jury and other key players in the process. These suggestions were quite acceptable to jury members.⁷³⁵

With either a facilitator or member of the project team assisting the jury members in forming their recommendations, the groups then discussed their respective issue areas. Reports from each of the four groups were then presented to all jury participants, with further innovative ideas offered.⁷³⁶ The question of 'whom do you want to assist with the implementation role' was then posed by a facilitator. After a brief discussion (and concerns expressed by one of the consultants that they didn't influence the jurors response), the jury suggested that the consultants continue in their role as project managers. As debated in the 'where to now group', it was decided that a small number of jurors would present the findings of the jury to precincts and other community groups.⁷³⁷

7.6.3.1.6 Jury Visions and Values

Having developed a series of ideas as the basis of the jury recommendations, the jury was asked by the facilitators to think of words which could be used to describe the jury process and their vision for the future of Bronte. As a precursor to jury discussion, one of the facilitators stated that 'we would like to acknowledge the participation element....it's not just about your key recommendations. This is about your values and why you wanted to do this.'⁷³⁸ She then asked the jury what values

⁷³⁵ Ibid.

⁷³⁶ From the regulation group, suggestions included allowing rangers and building inspectors to administer fines for littering and polluting, and establishing a telephone hotline for pollution issues. The infrastructure group suggested the council facilitate demonstration projects for a new and an existing building. Ibid.

⁷³⁷ Ibid.

⁷³⁸ Ibid.

were important to them. Responses included ‘it’s a love of where we all live’, and words such as participation, sharing, love, holistic, restoration, and harmony. Following this, one of the jurors made the comment that he hoped the jury model would be ‘passed on to other areas’, to which many other jurors agreed.⁷³⁹

A final group exercise was held prior to the jury’s presentation of their recommendations to council. Each was asked to take a photo of their choice of the process, with the question posed ‘what does this photo mean to you in one word.’ The words or phrases used in response were; 2020 vision, participation, hope, discussion, design, reflection, comradeship, learning, knowledge, concern, respect, sharing, consideration, and wisdom. One of the jurors spoke on behalf of other members, in saying to the project team, ‘thank you for all you have taught us.’ It was quite clear from this final exercise, that the jury process itself had become of considerable importance to many of the participants, and not simply the collective recommendations.⁷⁴⁰

7.6.3.2 Delivery of recommendations

The final stage of the formal three day jury process involved a presentation of jury recommendations to the Waverley Council. This occurred in the council chambers, with interested parties, (including councillors and council staff, EPA representatives, members of the planning group, university researchers, and other interested citizens), seated in the public gallery. Prior to presenting the recommendations, one of the jurors began by reading out the words that made up their collective vision. The recommendations were then read out to the gallery by a number of the jurors, which covered the areas of community education and participation, urban planning and design, capital works and innovative projects, regulation and enforcement, and what comes next. The jurors suggested these activities should all be underpinned by ongoing research and monitoring, which have been limited in the past. The jury stressed that community education, participation, and urban planning, were the most

⁷³⁹ Ibid.

⁷⁴⁰ Ibid.

important categories of recommendations they proposed (see Appendix 2 for the jury recommendations).⁷⁴¹

A response from the Mayor of Waverley Municipal Council followed, thanking the jury and the project team for their efforts. He expressed delight with the recommendations from the jury stating 'I am happily surprised at the quality of recommendations and your recognition of the necessity to integrate different approaches and issues. What you have come up with are some really innovative and cost effective solutions.'⁷⁴² Furthermore, he believed that the process demonstrated the ability of citizens to understand complex issues, and work together towards mutual goals. Thus he felt the jury:

...demonstrates that citizens can understand complex information and make excellent decisions. You have shown a great capacity to analyse and assess information...Anyone who says the average punter can't get their head around complex technical issues should take a look at this process and the results it has produced.⁷⁴³

7.7 The Council Response

In documenting the council's response to the jury recommendations, it is important to consider that a significant aspect of the consultant's work with the council focussed on developing integrated organisational approaches to issues including (but not limited to) stormwater.⁷⁴⁴ This also involved creating an organisation that was totally committed to involving the community in such decision making.⁷⁴⁵ Consequently, a series of activities was conducted with councillors and council staff. These included presentations and discussions with the council's Executive Team; interviews with councillors and 36 staff; a written survey which was completed by 51 staff; and five

⁷⁴¹ Ibid.

⁷⁴² Ibid.

⁷⁴³ Ibid.

⁷⁴⁴ Ryan, 'Enhanced stormwater management in Bronte Catchment through local community participation: Improving stormwater outcomes while strengthening democratic capacity. Final Report', p.10.

⁷⁴⁵ Elton Consulting, Project Team Member.

focus groups, being held with staff in two departments.⁷⁴⁶ According to the consultants, these activities revealed that stormwater management activities were often located in particular departments, a view supported by the council's Director of Public Works and Services.⁷⁴⁷ They also suggested that across the organisation, stormwater pollution was primarily viewed as involving visible pollutants such as litter and dumped rubbish.⁷⁴⁸ As the EPA education campaign and the jury experts argued, however, visible pollutants are only one of a range of pollutants that enter the stormwater system.

Following these discussions undertaken between the consultants and the council, numerous changes occurred in the behaviour, policy and practice of the council in response to stormwater management issues, and the jury's recommendations. The first of these was the formation of an interdepartmental stormwater working party, which comprises the directors of the council's six departments.⁷⁴⁹ This group has clearly defined terms of reference, and meets on a monthly basis to discuss the implementation of the Integrated Stormwater Management Plan (ISMP). This plan was developed by the Environmental Services Manager before and after the jury was held, and is being implemented with the support of a new full time Stormwater Officer.⁷⁵⁰ Vital to the success of the council's bid to improve stormwater

⁷⁴⁶ Ryan, 'Enhanced stormwater management in Bronte Catchment through local community participation: Improving stormwater outcomes while strengthening democratic capacity. Final Report', p.10.

⁷⁴⁷ His report to council argued that the primary responsibility for stormwater management fell to Corporate and Technical Services as the asset owner, Planning and Environmental Services for policy development, and Public Works and Services for service delivery. Paul Andersen, 'Report to Council: Integrated Stormwater Management Planning and the Organisation's response to the recommendations of the Bronte Catchment Citizens Jury' (Sydney: Waverley Municipal Council, 7 December 2001), p.2.

⁷⁴⁸ Ryan, 'Enhanced stormwater management in Bronte Catchment through local community participation: Improving stormwater outcomes while strengthening democratic capacity. Final Report', p.10-11.

⁷⁴⁹ These are General Manager's Office, Public Works and Services, Planning and Environmental Services, Corporate and Technical Services, Library and Community Services, and Beach and Recreational Services. Waverley Municipal Council. *How Council is Organised*, 2002 [Cited 19 November 2002]. Available from <http://www.waverley.nsw.gov.au/council/>

⁷⁵⁰ Waverley Municipal Council, Environmental Services Manager. Interview. Sydney, 3 October 2002. According to one former Environmental Services Manager, this interdepartmental committee significantly assisted coordination of stormwater issues in the council, as before this 'stormwater was all over the shop through council, some departments had it and some didn't.' Waverley Municipal Council, Former Environmental Services Manager No.2. Interview. Sydney, 24 September 2002.

management, was the funding it obtained to implement the plan through the state government's Environmental Levy.⁷⁵¹

The ISMP incorporates the council's commitments to its catchment based stormwater management plans, the Southern Sydney Catchment Management Board Blueprint (2002), and each of the 57 recommendations of the Bronte Catchment Citizens Jury.⁷⁵² The plan is therefore a highly complex document, which demonstrates a range of approaches that will be used to reduce a range of stormwater pollutants. The ISMP addresses seven primary areas of council operations. These are:

- Urban Planning and Development;
- Operational Policy;
- Monitoring and Research;
- Education and Participation;
- Catchment Rehabilitation and Restoration;
- Stormwater Pollution Control Infrastructure; and
- Ecological Sustainable Stormwater Management.⁷⁵³

In each of these areas, targets and desired outcomes have been established to indicate what needs to be undertaken, and how it will be achieved.⁷⁵⁴ The council intends to regularly monitor progress towards achieving these goals, and to review the plan where necessary.⁷⁵⁵

⁷⁵¹ Given rates are capped in NSW, councils must apply to the state minister for local government for a special rate variation to environmental improvement programs. Waverley was successful in gaining this rate variation, which equated to 2.24 percent of rates, or \$400 000 over five years. This is considered crucial to enable the implementation of the ISMP. Waverley Municipal Council, Environmental Services Manager.

⁷⁵² Waverley Municipal Council, 'Integrated Stormwater Management Plan 2001-2006' (Sydney: Waverley Municipal Council, 2001), p.2. Under the NSW Protection of the Environment Administration Act 1991, all councils are required to prepare stormwater management plans. As a consequence, three such plans covering the eastern metropolitan zone of Sydney had been developed, with Waverley one of the councils contributing to these plans. Andersen, 'Report to Council: Integrated Stormwater Management Planning and the Organisation's response to the recommendations of the Bronte Catchment Citizens Jury', p.2.

⁷⁵³ Waverley Municipal Council, 'Integrated Stormwater Management Plan 2001-2006', p.2.

⁷⁵⁴ Ibid.

⁷⁵⁵ Waverley Municipal Council, General Manager.

The input of all the jury's recommendations into the ISMP indicates that the councillors of Waverley considered them both valuable and achievable. Indeed, the commitment of the council to both the jury recommendations and the jurors themselves is clear, through the ongoing role that was negotiated for them. It appears this ongoing commitment was encouraged by the consultants, given the importance they placed on managing the expectations of jurors following the process.⁷⁵⁶ Consequently, the consultants maintained contact with jurors after the jury ended by circulating individual letters regarding the immediate post-jury project activities and outcomes.⁷⁵⁷ The consultants also publicised upcoming dates of community group and precinct meetings, and invited jurors to co-present their recommendations to the citizens attending. A number of jurors were subsequently involved in these presentations, developed by the consultants.⁷⁵⁸

The ongoing involvement of some jurors was further achieved by the consultants five weeks after the jury, when all jurors were invited to a half day meeting to discuss its outcomes. Six jurors took up this opportunity, which included an update from the consultants, and 'an in-depth exploration of issues arising for jurors as a consequence of their participation in the process.'⁷⁵⁹ A discussion regarding jury members' future involvement in the Bronte stormwater initiative elicited a variety of suggestions and preferences. An agreement was eventually reached, which saw the council's General Manager meet with seven jurors five weeks later, to directly discuss process outcomes and options for their continuing involvement with the council.⁷⁶⁰

⁷⁵⁶ The consultants final report suggests they learnt many lessons from a case in the UK, where 'the inadequate management of expectations of all stakeholders' saw implementation limited, and jurors withdraw from the process. Ryan, 'Enhanced stormwater management in Bronte Catchment through local community participation: Improving stormwater outcomes while strengthening democratic capacity. Final Report', p.33.

⁷⁵⁷ A jury contact list was distributed to all jurors at their request. Zwart, Observation of Bronte Catchment Citizens Jury.

⁷⁵⁸ Ryan, 'Enhanced stormwater management in Bronte Catchment through local community participation: Improving stormwater outcomes while strengthening democratic capacity. Final Report', p.33.

⁷⁵⁹ Among the issues discussed were 'reflections regarding increased levels of knowledge, awareness and expertise, responses from families, friends and neighbours, and changes in behaviour.' Ibid. Moreover, there was a 'clear analysis of community dynamics, competing sectional interests, participatory versus representative democracy, and the dichotomy of perceived 'insider/outsider' status.' Ibid.

⁷⁶⁰ Ibid.

A further meeting with the Environmental Services Manager followed, and resulted in a number of initiatives to involve the eight jurors who wanted to maintain a formal interest in the council's stormwater initiatives. The first was the development of a community stormwater panel to monitor the implementation of the ISMP, and in particular, the citizen jury recommendations. This group initially comprised former jury members, but was soon expanded to include a number of other citizens.⁷⁶¹ After discussing the ISMP further and their role within it, the jurors were also particularly keen to be involved in a 'water festival' (which was among their recommendations). As a consequence, a festival was organised for late October 2002 that coincided with Water Week,⁷⁶² a government initiative to highlight the importance of water conservation.⁷⁶³ Among the events planned for the entire Waverley area, were 'rock pool rambles', which involved council staff discussing the effect of stormwater pollution on rock platforms and marine diversity with citizens; tours of a sustainable house (that exhibits best practice stormwater design in residential development); and workshops on worm farming and composting, green cleaning, and household stormwater pollution reduction. Tours of the sustainable house were also arranged for council planning, to try and get them 'enthused about water-sensitive urban design.'⁷⁶⁴ Importantly, these initiatives were either recommendations from the citizens jury, or activities that attempted to put their broader recommendations regarding citizen participation and education, into practice.⁷⁶⁵

It can be argued from the above observations, that unlike the waste management recommendations of the Glenorchy precincts which were not entirely supported by the council's elected representatives, the Waverley Municipal Council showed considerable commitment and support towards the jury recommendations, and

⁷⁶¹ The council advertised in their quarterly *Waverley Tribune* newsletter for interested citizens, in a four page section devoted exclusively to stormwater initiatives. The council did this to ensure other members of the community had as many opportunities as possible to participate in stormwater activities. The council intends to have this group meet every six to twelve months. Waverley Municipal Council, Environmental Services Manager.

⁷⁶² Ibid.

⁷⁶³ National Water Week is an annual event that was first held in 1993. It is an initiative designed to encourage citizens to protect and conserve water resources and habitats, and is supported by federal, state and local governments. In 2000, approximately 100 local councils in New South Wales participated through a range of activities including poster displays, colouring competitions, drain stencilling, catchment awareness days, and seminars and launches. NSW Department of Land and Water Conservation. *Water Week 20-26 October 2002*, 2002 [Cited 21 November 2002]. Available from <http://www.dlwc.nsw.gov.au/waterweek2002/#whatis>

⁷⁶⁴ Waverley Municipal Council, Environmental Services Manager.

⁷⁶⁵ Ibid.

continued to involve jurors and community members in both their implementation and review.

7.8 Before Moving On

This chapter has outlined how the use of a citizens jury assisted the Waverley Municipal Council to address the issue of stormwater pollution in the Bronte Catchment, and throughout the council area. As the case reveals, over the three day citizens jury the citizens involved came up with a broad range of recommendations, which were well supported by the council's elected representatives. Of particular interest to this study, however, is whether this deliberative structure provided additional information to the policy process, enabled the generation of general interests, and improved the legitimacy of and compliance with the decisions reached. Chapter Eight discusses these issues by comparing and contrasting our two case studies in Australian local government.

Chapter 8

A Greener Alternative? Evaluating Deliberative Forums

8.0 Introduction

As stated in Chapter One, the primary aim of this thesis is to evaluate the utility of deliberative arrangements for environmental decision making at the local level. Consequently, the thesis began in Chapter Two with a thorough explanation of the theoretical foundations of deliberative democracy. This started with an outline of democracy's representative form, followed by an explanation of deliberative democracy whose foundations lie within more participatory and perhaps idealistic conceptions of democracy. In doing so, it was discovered that there are three primary reasons offered within this literature to support a deliberative conception of politics for environmental decision making. Accordingly, the literature argues that deliberative arrangements can be expected to inform policy processes by increasing the range of information available to them. Furthermore, they should enable decisions to be made that favour generalisable (and consequently, environmental) interests, while also improving the legitimacy of decisions and the subsequent compliance of the actors involved. As Chapter Three demonstrated, however, existing research regarding real deliberative forums does not always support such claims, and leaves them on dubious ground.

Despite the uncertainties uncovered in Chapter Three about public deliberation, the past thirty years has nevertheless seen Australian local democracy move away from its purely representative roots, towards a more deliberative form. Indeed, the elite-driven and dilapidated electoral system that existed has not only become more vibrant and competitive, but also been increasingly supplemented with opportunities for more direct public participation and deliberation. While Chapter Four presented numerous reasons for this change, Chapter Five was also able to demonstrate why local government's growing role in addressing environmental or sustainability issues has been particularly important in this regard. Thus it highlighted how the growth in local

government's environmental role has also frequently come with the assumption that involving citizens in such decisions will lead to positive environmental outcomes. As the discussion of 'Local Agenda 21' revealed, however, this belief is once again under pressure, given the focus on citizen participation has sometimes come to dominate such processes at the expense of ecological concerns.

In light of these doubts regarding the ability of citizen participation to produce favourable environmental outcomes, two case studies were undertaken in Australian local government that closely approximate the deliberative ideal. Chapters Six and Seven, therefore, presented some innovative models for public deliberation in addressing a range of environmental issues. Because each case study was unavoidably descriptive in character, however, the essential question this chapter addresses, is: did the use of these structures improve the decision making within each council in the manner outlined by the deliberative democrats in Chapter Two, and as concepts such as 'Local Agenda 21' suggest?

In order to achieve this primary aim, the chapter is divided into four sections. The first addresses the problematic question of case study comparison, and highlights one of the limits to deliberative theory that has become evident in using the theory in an applied manner. Despite such limitations, the chapter then moves on to address each of the three purported benefits of deliberation for environmental decision making, by comparing and contrasting the information obtained in the two case studies. It finds that the use of deliberative methods has led to a more informed citizenry, and a more informed policy process. However, the chapter argues that the ability of such structures to favour generalisable interests depend on a number of contextual factors that include the construction of the issues being addressed, the rationale for the deliberative structure used, and the characteristics of the participants involved. Moreover, it is suggested the concept of a generalisable interest is highly subjective, raising the possibility that differing interpretations of a generalisable interest are likely. The cases also illustrate that although deliberative arrangements may for many citizens and elected representatives enhance the legitimacy of governmental decision making, questions of legitimacy are also highly subjective and may even be deemed dependant upon the outcomes that result.

8.1 Public Deliberation: Some Issues for Case Study Comparison

Following the logic of Habermas, this thesis suggested in Chapter Two that there are three issues that must be addressed in order to assert a structure is close to the deliberative ideal. Firstly, the question of ‘who needs to be involved?’ needs to be addressed. In doing so, it was recognised that although Habermas calls for a practical discourse involving all those affected by a decision, the more realistic assertion of his theory is to directly involve the maximum possible number of citizens and allow all others to participate via representative or advocacy structures. The consequence of this rule, however, is to argue that democracy is superior to any other decision making form.⁷⁶⁶ For this reason, we can safely assume that both of our case studies meet this very general first criterion.

A second important issue that needs to be addressed is to consider where legitimacy should be gained (or deliberation occur?). As outlined in Chapter Two, Habermas recognises the public sphere as the most likely place for distortion-free communication. Although initially thought of in terms of an opposition force to the eighteenth century European absolutist state, in more recent times Habermas has acknowledged that the public sphere should not be seen as an ideal that replaces the state, but rather a body of citizens that keeps it accountable.⁷⁶⁷ In this regard, numerous theorists and practitioners have come to view small participatory structures as emblematic of this assertion, given they aim to support and further legitimise the existing representative institutions. Such a move not only locates these structures firmly within the public sphere, but also justifies the examination of a precinct system and citizen jury as real-world embodiments of the deliberative ideal.

Although the case studies undoubtedly fit the first two criteria for deliberative democracy, the third criterion addressing ‘how democracy should proceed’ is far more problematic. For instance, Blaug argues that deliberative institutions should enable the use of communicative rationality. They should be deliberative in nature, embody the rationality of the forum rather than the market, and seek to transform preferences

⁷⁶⁶ Blaug, *Democracy Real and Ideal: Discourse Ethics and Radical Politics*, p.42.

⁷⁶⁷ *Ibid.*, p.52.

rather than simply aggregate them.⁷⁶⁸ Given this understanding, it may be argued that both the precinct system employed at the Glenorchy City Council, and the citizens jury used at Waverley Municipal Council, are deliberative structures. At a more specific level, however, it is important to realise that the democratic fairness embodied in the rules for an ideal speech situation can be used as a lens to evaluate real deliberative situations,⁷⁶⁹ which we have done in this thesis. One interpretation of Habermas's ideal speech situation comes from Webler, whose rules for how deliberation should proceed were slightly modified for application to this thesis. As first outlined in 2.2.2.3.2, these rules are as follows:

1. Anyone who considers him or herself to be potentially affected by the results of the discourse must have an equal opportunity to attend the discourse and participate.
2. Every discourse participant must have an equal opportunity to make validity claims.
3. Every discourse participant must have an equal opportunity to challenge the validity claims made by others.
4. Every discourse participant must have an equal opportunity to influence the choice of how the final determination of validity will be made and to determine discourse closure (i.e., to decide how to decide when there is no consensus).⁷⁷⁰

Each of these rules has enabled the 'testing' of each participatory structure used in the case studies, and shows to what degree they meet the deliberative ideal. As a result, they can be used to highlight the relative strengths and weaknesses of each of the models used in our case studies. This is demonstrated in the following table:

⁷⁶⁸ Ibid., p.43.

⁷⁶⁹ Ibid.

⁷⁷⁰ Webler. "'Right" Discourse in Citizen Participation: An Evaluative Yardstick', p.51.

Table 9: Comparison Between Precinct System and Citizens Jury

Ideal Speech Criteria	Glenorchy Precinct System	Waverley Citizens jury
1	Was achieved, as anyone may attend	Was not achieved as some groups were deliberately excluded from participation
2	Was not always achieved, given the dominance of some convenors or strong personalities	Was generally achieved through the use of two independent facilitators
3	Was not always achieved, given the dominance of some convenors or strong personalities	Was generally achieved through the use of two independent facilitators
4	Was usually achieved given convenors frequently discussed discourse validity and closure with precinct members	Was achieved by facilitators and citizens within the time limits established by the jury process

As Table Nine and the case studies demonstrate, it can be asserted that the ideal speech situation has proven a useful tool to analyse the differences between these participatory structures. They indicate for instance, that while the citizens jury used at Waverley Municipal Council excelled in its ability to meet criterion two and three, it was less successful in meeting the first criteria, given some participants were deliberately excluded. On the other hand, the Glenorchy precinct system completely met this first criterion, but at times struggled to achieve criteria two and three where convenors or strong personalities were particularly overbearing and did not encourage or enable some voices to be heard.

Although deliberative theory is therefore useful in highlighting differences between democratic structures, it can, however, be stated that it becomes problematic when we attempt to compare concrete deliberative models, and say which is the closer approximation to the ideal. As Chapter Six and the above table reveal for example, the precinct system meets all four criteria of the ideal speech situation to some extent. But can we say it is truly (or maximally) deliberative? This is especially apparent when we compare the precinct system with the citizens jury, which was arguably better able to meet conditions two and three, but less successful in meeting the first criterion. The problem in terms of comparison therefore, is while we can use these rules to demonstrate the differences between the models, the theory provides us with

no way of knowing which is the fairer, more communicatively rational, and closer approximation to the ideal. Moreover, the theory does not assist us in predicting which model would be better at enabling the recognition of generalisable interests, and ensuring decisions were made on the basis of 'better argument' rather than coercion. The fact that the theory provides no way of knowing may well be deliberate or simply unavoidable. But this could be seen as problematic for the purposes we have used it, given it is therefore impossible to say the models used are truly 'deliberative.'⁷⁷¹

While it is therefore impractical to assert which model is a closer approximation to the deliberative ideal, the theory has been useful in identifying differences between the models used. This ability to clarify the differences between models is particularly useful when considering the utility of such arrangements to assist environmental decision making. Indeed, it will become apparent in the following section that some of these differences have the potential to impact upon the ability of deliberative structures to improve the information available, handle complexity, recognise and support generalisable interests, and improve legitimacy and compliance. The ability of the deliberative models chosen to achieve these ends forms a structure for the remainder of this chapter.

8.2 A More Informed Policy Process?

As suggested in Chapter Two, the first primary benefit of deliberative designs is their ability to provide a more informed policy process. This is asserted given that opportunities for citizen participation should allow a wide variety of voices to be heard, which represent a broad range of concerns.⁷⁷² The information participants provide may not only relate to people's preferences, but may also inform the policy

⁷⁷¹ Blaug makes a similar point, suggesting the ideal speech situation is unhelpful for comparing different deliberative structures. Blaug, *Democracy Real and Ideal: Discourse Ethics and Radical Politics*, p.48-49.

⁷⁷² Dryzek, 'Ecology and Discursive Democracy: Beyond Liberal Capitalism and the Administrative State', p.39.

process by relating local knowledge.⁷⁷³ Thus deliberative arrangements may be, as Fearon asserts, both ‘additively valuable’, given people may think of information that a single individual may not have, or ‘multiplicatively’ valuable by enabling creative solutions to be found through discussion and reflection.⁷⁷⁴ One expectation from deliberative arrangements is, therefore, that new positions and understandings will emerge from discussion, leading to new solutions and better decision making.⁷⁷⁵ To what degree, however, can we say this occurred in the two case studies?

It can be stated that both case studies support these assertions regarding deliberative democracy, as the citizens involved were able to provide either information about their local area, or new ideas to the policy process. Addressing three essential issues supports this view. Firstly, which participants held information about the environmental issues discussed and debated before deliberation? Did the citizens involved become more informed about the issues being discussed? And did the citizens involved subsequently contribute environmental information or new ideas to the resulting policy process?

8.2.1 Participants and environmental information

Given the structure of the Waverley citizens jury, the primary holders of information about stormwater prevention before deliberation began were the council officers, consultants and EPA representatives, and seven experts chosen by the Deliberative Processes Planning Group. As shown in 7.6.2, the consultants provided background information to jurors before the jury began, while the experts gave formal presentations and enabled opportunities for further questions to be asked of them by the jurors. The jury process thus had the potential to be extremely informative by offering a range of perspectives on the complex issue of stormwater pollution prevention. Indeed, the council’s General Manager stated that this diversity of expert opinion would not usually be accessed by the council in making its decisions.⁷⁷⁶ The

⁷⁷³ Rydin, 'Environmental Planning: the collective action problem and the potential of social capital', p.155.
⁷⁷⁴ Fearon. 'Deliberation as Discussion', p.50.
⁷⁷⁵ Meadowcroft, 'Community Politics, Representation and the Limits of Deliberative Democracy', p.27.
⁷⁷⁶ Waverley Municipal Council, General Manager.

diversity of expert opinion exhibited in the jury process was also clearly much greater than that of precinct system, which relied on expert opinion from council officers alone.

Although a series of experts were the primary holders of information regarding stormwater, this is not to suggest the citizen jurors were totally uninformed about stormwater issues before they participated. As 7.5.2 demonstrated, the research conducted by the consultants showed the citizens of Bronte to be highly educated and environmentally aware. Citizens of Bronte were also given specific information about stormwater pollution from a variety of sources, including the state-wide education campaign, a catchment-specific education campaign, and the citizens tele-poll. Furthermore, the jurors selected were provided with written information before the jury was held, and participated in a half-day pre-jury forum. It can be assumed therefore that the citizen jurors had gleaned some information from these sources about stormwater prevention before they participated in the jury process, although they could hardly be described as 'expert.' Indeed, their relatively limited knowledge in the area was one primary reason to justify their involvement.

In the case of the Glenorchy City Council, the predominant holders of information about waste management issues were the council's Waste Management Coordinator, and the Environmental Services Manager. As suggested in 6.5, the waste management review began with a presentation from these council officers to all interested citizens. Following this initial meeting, the WMTF subsequently met with these officers on a monthly basis, to discuss the issues and report back to the individual precinct meetings. This process was, therefore, one of providing information to the precinct members to enable informed decisions to be made regarding each of the nine issues involved. As the interviews conducted reveal, however, the citizens involved believed they held considerable knowledge prior to their involvement with the precinct discussions of waste management. Moreover, the issues involved were not particularly complex, and citizens regularly addressed these issues (such as backyard incineration and recycling) in their everyday lives.

8.2.2 Environmental learning

Although it was not possible to conduct interviews with jury participants, it became clear during the course of jury deliberations that those involved had learnt a substantial amount about stormwater prevention. This is evident by a number of statements made by individual jurors (7.6.3.1), and from the jury's presentation to the council. For instance, one juror stated that 'for us this has been an exciting and rewarding process. We have all learnt so much and feel anyone who will go through this process will as well.'⁷⁷⁷

Similarly as suggested in Chapter Six, nearly all the citizens interviewed at Glenorchy felt they learnt something about at least one aspect of waste management, as a result of their involvement in the WMTF and precinct discussions (6.5.2.2). A broader survey of precinct members also supports the view that these citizens became more informed about a range of environmental issues as a consequence of their participation in precinct meetings (Appendix One). But did these more informed citizens then contribute to the policy process?

8.2.3 Information, innovation and citizen deliberation

It would be extremely difficult to argue that the deliberative processes used in both councils did not contribute at least some information about their local area to the recommendations that resulted. As Elton's project manager argued when discussing the Bronte Catchment Citizens Jury:

You can't get from the experts the local knowledge. Even those experts who live in the area, they don't seem to have their fingers on the community pulse like some others. Experts are not Bronte experts. The jury brought lots of local knowledge, as all the jurors had local expertise.⁷⁷⁸

⁷⁷⁷ Zwart, Observation of Bronte Catchment Citizens Jury.

⁷⁷⁸ Elton Consulting, Project Manager. This is also clear from one of the jury recommendations (Appendix Two), which included a proposal that bush regeneration become a priority for the northern gully, western edge and southern gully of Bronte Park.

Similarly, although the council officers involved with Glenorchy's waste management review did not feel participants had contributed any new information about waste management issues, other issues addressed by the precincts did lead to a more informed policy process. For instance, the two meetings held with citizens to develop a Weed Management Strategy (6.4.3) were conducted explicitly for this reason, and were considered by the Natural Resource Officer as particularly successful in this regard. Thus while the waste management review may not have elicited any specific local knowledge from the participants involved, this was not the case with all environmental issues discussed within the precincts.

In addition to providing local knowledge, another primary benefit of both deliberative forums was their ability to generate new ideas and propose innovative courses of action for their respective council's. In the case of the Bronte Catchment Citizens jury, while many of the recommendations proposed by the jury were to be expected and could be linked to suggestions made by one or more of the expert presenters, observation of the process revealed a number of others such as the 'water festival' to be new and innovative (see also 7.6.3.1.3). This view was supported by a number of the councillors interviewed, who felt some stormwater pollution prevention ideas to come out of the jury process would not otherwise have been considered by the council. For the council's General Manager this outcome was not unexpected, however, given her belief that 'the most dynamic policies and strategies come out of these interactions between expert and community people', while 'you always get a different angle on it when you involve your community members.'⁷⁷⁹ Thus it can be seen that the citizens involved in the Bronte Catchment Citizens jury almost certainly contributed both local knowledge and new ideas to the policy process. Similarly, the Glenorchy precincts also demonstrated an ability to contribute some innovative ideas, as occurred in the development of Benjafield Park (6.4.5).

It has been shown then, that in both case studies the involvement of citizens in the policy making process resulted in a more informed group of citizens. Furthermore, the cases demonstrate there is a strong likelihood as the deliberative democrats suggest, for otherwise untapped local knowledge to enter the policy process and

⁷⁷⁹ Waverley Municipal Council, General Manager.

creative solutions to be developed following discussion and reflection. The ability of deliberative arrangements to support generalisable environmental interests is not as well supported, however, and is reliant upon a number of important factors.

8.3 Favours General Interests

As previously argued (2.3.2), perhaps the most fundamental benefit for the natural environment espoused in the deliberative democratic literature, is the potential to favour general rather than particular interests. As such, it is therefore expected that to the extent democratic arrangements meet Habermas's ideal speech situation, arguments supporting the preservation of the life-supporting capacity of natural systems should generally prevail. The questions that subsequently arise therefore, are: did the deliberative processes enable the recognition of generalisable interests? If so, can those favoured be seen to be beneficial for the natural environment? And what, if anything, do these cases tell us about the concept of a generalisable interest?

It can be argued that the Bronte Catchment Citizens Jury is supportive of deliberative theory, as the citizens involved had found interests that were general to all when they agreed to a set of solutions to stormwater pollution. Moreover, the jury could be deemed to have collectively agreed upon solutions to stormwater pollution that supported the life-supporting capacities of natural systems, given they achieved the BCP's aim of producing 'quality, integrated and sustainable solutions to stormwater management issues.'⁷⁸⁰ The Glenorchy City Council case study does not, however, support the view that deliberative arrangements will automatically lead to the favouring of one or more generalisable environmental interests. This was most starkly demonstrated when the council conducted a review of waste management, and the majority of the precincts involved supported the continuation of backyard burning, and did not favour the introduction of a green waste service (6.5). Therefore, the

⁷⁸⁰ Ryan, 'Enhanced stormwater management in Bronte Catchment through local community participation: Improving stormwater outcomes while strengthening democratic capacity. Final Report', p.21. Indeed, the project was a joint winner of the NSW local government stormwater management awards for 2001-02. These awards are presented by Lgov NSW, formerly the Local Government Association and the Shires Association of NSW. Lgov NSW. *Award Winners Stormwater Management Award*, 2003 [Cited 24 April 2003]. Available from <http://lgov.ozhosting.com/awardedetails.asp?awardid=79#top>

majority of citizens could be seen to have favoured an alternative generalisable interest to that of ‘clean air,’ and one which almost certainly would not have been beneficial to the life-supporting capabilities of natural systems. The important issue that remains, however, is why did these different outcomes occur given both structures could be deemed ‘deliberative’, and what do these cases illustrate about the concept of a generalisable interest?

In addressing these issues, it is important to recognise that significant differences were apparent between each of the case studies that almost certainly influenced the outcomes that resulted. While there were many of these, the key factors appear to be the construction of the issue, the sponsor’s objectives in enabling deliberation to occur, the citizens involved, and the impact each issue would have on the self-interest of the citizens attending. Table 10 demonstrates these factors, and how they differed in the two case studies.

Table 10: Factors Influencing Deliberative Outcomes

Factor	Waverley Municipal Council	Glenorchy City Council
<i>Construction of the issue to be resolved</i>	Before deliberation	During deliberation
<i>Sponsor’s aims and objectives</i>	Process and outcome	Process
<i>Citizen deliberators</i>	Selected	Not selected
<i>Impact of outcome on self-interest</i>	Gradual/long term	Immediate/short term

8.3.1 The construction of the issues

Undoubtedly the most important factor in shaping the outcome of both case studies was the manner in which the issues under discussion were constructed. For instance, in the case of the Bronte Citizens jury it can be argued the issue of stormwater pollution was first constructed at the State level. As the EPA’s *Who Cares About the*

*Environment 2000*⁷⁸¹ survey suggested, the people of NSW believe that education and health are the most important issues needing attention by the NSW State Government. Among five other issues mentioned by people unprompted in this survey, however, was 'the environment.'⁷⁸² In fact, according to the 1994, 1997, and 2000 surveys, the importance of the environment has consistently held a 'mid-range' position in relation to other social issues such as law and order and public transport.⁷⁸³ Environmental issues are, therefore, considered quite important by the people of NSW. Within a range of environmental issues, however, the 2000 survey found that water issues are the most important to the citizens of NSW.⁷⁸⁴ It could be argued then, that when the NSW government announced a Waterways Package and created the Stormwater Trust in 1997,⁷⁸⁵ it was simply reflecting a strong desire on behalf of its citizens to address the state of its marine environment. Consequently, although resolving stormwater pollution may not have been the most important issue for the people of NSW, it was one of a number considered important to a large percentage of the population. In this regard, the argument could be made that the people of NSW recognised stormwater pollution as one which was in the 'general interest' to have resolved.

Given the importance of stormwater issues to the people of NSW, the holding of the citizens jury in Bronte catchment could be seen as a further example of both state and local government's commitment to address this important issue. Significantly, however, given stormwater pollution had already been highlighted as an issue of public importance, the question for the people of Bronte became one of *how* to reduce stormwater pollution in the Bronte catchment, rather than whether this should be a goal the community should strive to achieve. As a result, when the jury met to consider the pre-determined problem of stormwater pollution, they were asked to consider in their deliberations:

- Who has an impact on stormwater pollution in the Bronte Catchment and how?
- What can be done to prevent stormwater pollution?

⁷⁸¹ Environmental Protection Authority. *Who Cares About the Environment*.

⁷⁸² Ibid.

⁷⁸³ Ibid.

⁷⁸⁴ Ibid.

⁷⁸⁵ Environmental Protection Authority. *Urban Stormwater Program*.

- How can stakeholders work together to ensure practices that prevent stormwater pollution now and in the future?⁷⁸⁶

According to the consultants these questions had the support of all involved, given they 'were subject to intense consultation, discussion, analysis, and planning, involving community representatives, councillors, council staff, the project team, and a range of critical advisors and supporters.'⁷⁸⁷ Moreover, they stated the citizens jury process that allowed these questions to be addressed, was underpinned by 'a belief in the quality and achievability of truly deliberative processes...without assuming or creating predetermined outcomes.'⁷⁸⁸ While it would be difficult to argue the process did not enable citizens to deliberate freely, it is certainly debatable whether the outcomes were not significantly determined by the questions themselves. For instance, the consultants went on to state in their final report, that:

The project view was that the actual questions were not the essential issue, so long as they offered a framework for people to respond openly, inclusively, collaboratively and practically. For that reason, the project sought to avoid questions that could only result in polarized yes/no answers, without suggesting sustainable outcomes.⁷⁸⁹

As this quote illustrates, it can be argued that one reason these questions were chosen was precisely to improve the chances of delivering a process that was both

⁷⁸⁶ Zwart, Observation of Bronte Catchment Citizens Jury.

⁷⁸⁷ Ryan, 'Enhanced stormwater management in Bronte Catchment through local community participation: Improving stormwater outcomes while strengthening democratic capacity. Final Report', p.30.

⁷⁸⁸ Ibid., p.31.

⁷⁸⁹ Ibid. The project obviously followed the advice of citizen jury experts such as Crosby, who believes citizen juries are 'inappropriate' tools for answering these types of questions. Ned Crosby. 'Citizen Juries: One Solution for Difficult Environmental Questions.' In *Fairness and Competence in Citizen Participation: Evaluating Models for Environmental Discourse*. Edited by Ortwin Renn, Thomas Webler, Peter Wiedemann (Dordrecht: Kluwer Academic Publishers, 1995), p.162. While he does not provide a reason for this assertion, it could be speculated this is because of the likelihood such questions will produce polarised responses and difficulties in producing consensual outcomes and recommendations. This is a further illustration as 3.1.3 suggested, that no amount of 'deliberation' can create a political (rather than cognitive) consensus around some issues. An example of this comes from the UK Food Standards Agency citizens jury on GM food, where six of 15 jurors did not believe the UK should allow GM foods. They were however, able to agree on a range of measures that were vital if GM food is introduced. UK Food Standards Agency. *GM Food Debate*, 2003 [Cited 14 May 2003]. Available from http://www.food.gov.uk/gmdebate/citizens_jury/?view=GM%20Microsite

deliberative, and able to deliver outcomes that resolved the problem of stormwater pollution. Indeed as the consultants seemingly acknowledge, the nature of the questions virtually ensured that while some solutions to stormwater pollution may be deemed better than others, almost every possible answer to these questions must have contributed in a positive way to alleviating the problem of stormwater pollution. Furthermore, the non-controversial nature of the questions would appear sensible given the project aims (discussed below), as this reduced the possibility that debates would become heated, and 'deliberation' would be replaced by conflict and 'argument' (as discussed in 3.1.1). It can therefore be reasserted, that although the deliberations that took place during the Bronte Catchment Citizens jury did ask jurors to find a range of solutions which could be deemed to be in their 'general interest', the issue was constructed in such a manner that the problem itself was already defined before deliberations occurred. Indeed, it could even be argued that the generalisable interest was already determined before discussion, as that of unpolluted stormwater.⁷⁹⁰ Similarly, the success of the Glenorchy City Council in developing a Weed Management Strategy (6.4.3) could also be partially attributed to the construction of the issue, given it was addressing an environmental problem that was already well defined before deliberation took place. Moreover, reducing problem weeds would appear to be a universally held 'general interest' whose resolution does not adversely impact upon the interests of citizens. This was certainly not the case in Glenorchy, however, when some waste management issues were addressed.

As presented in Chapter Six, the two issues that were the most contentious during the waste management review at the Glenorchy City Council were the proposals to eliminate backyard incineration, and introduce a tied and bundled green waste service to partially alleviate the need for backyard incineration. Importantly, although the council officers involved had a preferred outcome in mind when the review was conducted,⁷⁹¹ the two issues under consideration were constructed in a manner that

⁷⁹⁰ Thus as one of Waverley Council's former Environmental Officers stated, 'if you ask people to talk about stormwater pollution prevention, its hardly surprising they will recommend outcomes that attempt to address this issue.' Waverley Municipal Council, Former Environmental Services Manager No.2.

⁷⁹¹ Both the council's Waste Management Officer and Environmental Services Manager indicated they were keen to end backyard incineration and introduce a green waste service. Nevertheless, as part of its review the council wanted to hear from citizens about their feelings on these issues. Glenorchy City Council, Waste Management Coordinator; and Glenorchy City Council, Environmental Services Manager and Acting General Manager.

not only allowed for considerable debate, but did not ensure an outcome that was favourable to the natural environment. The questions posed to citizens around these two inter-related issues therefore, were effectively:

- Do you support a ban on backyard incineration?
- Do you support the introduction of a tied and bundled green waste service at a cost of 13 dollars per household per annum?

Consequently, these questions did not establish that the aim of deliberations was to find solutions to a pre-determined problem such as air quality (or stormwater pollution) but rather, allowed citizens to debate or find one or more interests that were general to all. These questions subsequently allowed for different interpretations of generalisable interests and demanded accordingly, either a 'yes' or 'no' answer. This established the possibility that there would be deeply divided opinions on the best course of action to pursue, and is illustrative of precisely the type of questions that were deliberately avoided in the Bronte Catchment Citizens Jury.

8.3.2 Sponsor's aims and objectives

Another vital factor in shaping the outcomes of the two case studies were the aims each sponsoring body had in creating the deliberative processes. In the case of the Bronte Catchment Citizens jury, there were at least two aims for the EPA and the consultants when establishing this process. As suggested in Table Ten (and 7.5.3), the first involved the deliberative process itself, given the aim was to create a consensus around the best solutions to stormwater pollution. This was made clear to the citizens involved, although the facilitators did stress that minority views were encouraged and total agreement was not expected on all issues.⁷⁹² Nevertheless, the facilitators stated they would endeavour to focus on those issues on which the group

⁷⁹² Ryan, 'Enhanced stormwater management in Bronte Catchment through local community participation: Improving stormwater outcomes while strengthening democratic capacity. Final Report', Appendix K.

agreed, rather than those it could not.⁷⁹³ As a consequence of this aim, a number of group activities were undertaken to help create and maintain a common purpose or sense of 'solidarity' (2.2.2.4). This began with the pre-jury forum, in which jurors were introduced to each other and involved in a series of exercises that were designed to be both 'relevant and fun', and also 'facilitate group forming.'⁷⁹⁴ According to the consultants, the benefits of this process were clear, as '[t]he insights gained through this forum were revisited by Jurors at key points throughout deliberations, and acted as reference points that both reinforced and enhanced collective experience.'⁷⁹⁵

It could be argued that the aim to develop a consensus (3.1.9), and the dynamic that formed following this initial meeting, clearly impacted upon some jurors' impressions of the discussions they were involved in. For instance, when discussion occurred following an initial establishment of themes (7.6.3.1.1), one juror stated a reason for their success was because 'there are no egos', while another argued 'there are just complete strangers working for a common cause.'⁷⁹⁶ The facilitators also showed a desire to further construct and maintain a positive group dynamic through some activities conducted during the jury deliberations. For instance, on the morning of the third day the jurors were asked to form a circle around photos of them deliberating together, and discuss how these photos made them feel. Importantly, while the majority of citizens provided positive responses, one juror who felt negative about the previous day's progress was given an opportunity to discuss this further the following morning, and have the issue addressed. In this way, discussion of the photos not only served as one way to bring the group together, but also to discover and then alleviate any negative feelings. This alleviation of negative feelings enabled a higher degree of group 'solidarity' to be maintained, and almost certainly improved the ability of citizens to work together towards their shared goal.

A second and related aim for the EPA, and the consultants, involved a preferred and favourable environmental outcome. This was to come in the form of a comprehensive set of recommendations to tackle stormwater pollution in the Bronte Catchment.

⁷⁹³ Zwart, Observation of Bronte Catchment Citizens Jury.

⁷⁹⁴ Ryan, 'Enhanced stormwater management in Bronte Catchment through local community participation: Improving stormwater outcomes while strengthening democratic capacity. Final Report', Appendix K.

⁷⁹⁵ *Ibid.*, p.28.

⁷⁹⁶ Zwart, Observation of Bronte Catchment Citizens Jury.

Most importantly, the sponsors of the project hoped that jurors would appreciate the need to prevent the problem of stormwater pollution at the source, and favour non-structural solutions rather than relying upon expensive structural solutions such as GPT's, which had been a dominant yet questionable approach in the past (7.6.1). With these aims in mind, it could be argued that the facilitators and experts then presented information that encouraged, but certainly could not ensure that the jurors produced recommendations with the desired outcomes. This was assisted by the facilitators and experts providing relatively clear and consistent messages to the jury. For instance, considering the first question about the contributors to stormwater pollution (7.6.3), the facilitators encouraged citizens to see that all citizens, businesses and governments can affect stormwater pollution. This was made evident in a preamble to the jury questions (7.6.3), which noted that all citizens have an impact on stormwater pollution in the Bronte Catchment. Furthermore, it was a message consistently reinforced by a number of the presenters, including the social ecologist and the community development expert.⁷⁹⁷ Therefore, although the jurors were not forced to reach any conclusions about who contributed to stormwater pollution, the answer was clear for all to see.

A similar argument could be made regarding the second question of the jury concerning the solutions to stormwater pollution (7.6.3), as both facilitators and experts delivered the consistent message that a range of solutions to stormwater pollution should be advocated in their recommendations. At the close of the second day for instance, jurors were asked to consider that evening any obvious solutions to stormwater pollution that had not been addressed at that stage.⁷⁹⁸ Similarly, as documented in 7.6.3.1.3, on the morning of the third day jurors were given the opportunity to imagine they were accepting an international award 'for sustainable, integrated, stormwater pollution prevention.'⁷⁹⁹ The message to develop a range of solutions was also provided by the seven expert presenters, particularly as six of these had expertise in different aspects of stormwater pollution prevention. There was also a consistent message from these presentations to avoid an emphasis on non-source solutions such as GPT's. As the General Manager of the Council stated:

⁷⁹⁷ Ibid.

⁷⁹⁸ Ibid.

⁷⁹⁹ Ibid.

I would like to see solutions resolving how the stuff gets into the catchment in the first place. Two big traps only gather solid waste and they can overflow anyhow. End of pipe traps aren't the only solution. They can even accelerate the environmental problems too, with the first flush. We need this community to take ownership of these problems and find solutions.⁸⁰⁰

Even the engineer, who was the only presenter to specifically discuss structural solutions to stormwater pollution prevention, was quick to point out that engineering solutions were only one of many available, and contained a variety of problems.⁸⁰¹ Given such prompting, it is not surprising that a range of predominantly non-structural solutions were recommended by the jury, as the EPA and the consultants had wished.

It is clear then, that the citizens jury occurred with clear goals regarding both the process and the outcomes. Moreover, it provided information and used a range of consensus-building techniques to encourage the achievement of a consensus view around sustainable solutions to stormwater pollution prevention. This can be contrasted with the purely process-driven aims of the precinct system at Glenorchy, which was not created to encourage environmentally favourable outcomes when they may arise. Importantly, the process that is followed simply aims to provide the Glenorchy City Council with an 'accurate understanding of community needs'⁸⁰² around a range of issues. While the objective within each precinct is to achieve a consensus in its decision making, the council makes no attempt to build consensus, and thus a vote can be taken when this is not achieved. As a consequence, when undertaking its review of waste management the Glenorchy City Council did not endeavour to build consensus within and between these groups, or to encourage them to favour the 'greener' options available.⁸⁰³

⁸⁰⁰ Ibid.

⁸⁰¹ Ibid.

⁸⁰² Glenorchy City Council, 'Precinct Guidelines and Constitution', p.3-4.

⁸⁰³ Further evidence of this is the emphasis on citizen's facilitation of meetings, and the general lack of involvement by council officers in the precinct meeting process.

8.3.3 Citizen characteristics

A third important difference between the case studies that almost certainly affected the outcomes that resulted, involved the citizens who participated. As argued in Chapter Seven, the people of Bronte are a well educated and environmentally aware group of citizens who value local democratic processes. Indeed, the presence of these characteristics encouraged the EPA to undertake the citizens jury in the Bronte catchment rather than the other catchment areas surveyed, given the likelihood they would improve the chances of the project's success. As the Community Education Manager of the NSW EPA stated:

The crucial reason Bronte was chosen in this process, was because it's better to run an experiment that you want to be a model...by bringing the ingredients together that might enable the model to work. The fact that you have the Bronte valley, one of the most attractive parts and valuable bits of real estate in Sydney, by people who are generally environmentally aware because they like the beach...and because it's an issue on which they are probably likely to agree...those were important factors.⁸⁰⁴

From this promising citizen base, it was to be expected that the actual participants in the citizens jury were also extremely environmentally aware, given they were carefully chosen to form a representative sample of the Bronte population (7.6.1). Thus the eventual jury chosen involved eight females and seven males, ranging from 22 to 69 years.⁸⁰⁵ Importantly, not only was the chosen group environmentally aware and representative of the Bronte population, they comprised individuals who were not associated with established community groups or 'sectional interests.'⁸⁰⁶ This was a deliberate strategy, as one of the aims of the project was to extend the group of participants involved in participatory structures beyond those such as the council's precinct attendees, of whom some may have had clear interests and been aligned with

⁸⁰⁴ Environmental Protection Authority, Community Education Manager.

⁸⁰⁵ Ryan, 'Enhanced stormwater management in Bronte Catchment through local community participation: Improving stormwater outcomes while strengthening democratic capacity. Final Report', Appendix J.

⁸⁰⁶ *Ibid.*, p.28.

political parties.⁸⁰⁷ It could be argued that another benefit of this strategy, however, was that it also increased the chances that the jurors selected would not hold strong opinions on local issues (3.1.1), given their reluctance to be involved in established forums or community groups in the past. If these factors were not enough to encourage positive outcomes from the deliberative process, there was also a deliberate strategy on behalf of the consultants to select participants they considered would be 'good' participants (see 7.6.1). This careful selection of citizens was clearly not evident, however, in the case of the Glenorchy Precinct System where these open forums have encouraged generally older and arguably less environmentally conscious citizens to form small groups of between five and twenty citizens. These people are inclined to be actively involved in their local community, and could be described as the 'usual suspects' that the Bronte Catchment Citizens jury deliberately sought to avoid. One final factor that appeared to have contributed to the differing outcomes that resulted in the two cases, was the impact the resulting decisions had on the perceived self-interest of the citizens involved.

8.3.4 Self-interest and environmental outcomes

It is important to recall that in theory, participants in a deliberative situation devoid of obvious power inequalities would be open to new ideas, and prepared to change their preferences in their attempt to discover interests that are general to all.⁸⁰⁸ It could be argued that because of the factors described above, the Bronte Catchment Citizens Jury is one example of where this was able to occur. Indeed, it may be suggested that if an individual initially perceived their self-interest was not aligned with that of the group, the process of deliberation itself enabled a melding of their interests with those of the other participants involved (as suggested in 3.1.4). As the EPA's Community Education Manager suggested of the process:

⁸⁰⁷ For instance, one of the precincts was considered by some councillors to be dominated by citizen's sympathetic to the green councillors and their views. Another precinct was even reported to have a regular attendee who was a salesman of GPT's, and who clearly had a vested interest in the outcome of jury deliberations. Waverley Municipal Council, Councillors.

⁸⁰⁸ Dryzek, *Deliberative Democracy and Beyond: Liberals, Critics, Contestations*, p.1.

I did feel that when you bring people together in a process that's aimed at consensus building, a deliberative process, and you give it a certain time to thrash something through, there is a collective interest that emerges that isn't present at the individual level. But that's not just a function of the deliberative process, it's a function of social dynamics and group building and so on. And that is, because individual identity is not constructed outside of a social context. And so what people tended to do, unless they are people who are committed to social disruption...there is a tendency for people to converge, because group solidarity seems to build on the social dynamics of the group.⁸⁰⁹

Thus it may be argued that the construction of the issue and consensus-building exercises undertaken actually enabled the citizens to see their own interests as commensurate with those of the group, as deliberative democrats and communitarians would assert. While this outcome would be a positive one for deliberative theory, we can also speculate, however, whether the jury opted for solutions to stormwater pollution prevention that enabled this to occur. For instance, as shown in Table Ten, it could be argued the changes in behaviour expected from the citizens of Bronte were both gradual and long term, and did not directly affect any juror's perceived self-interest by immediately inconveniencing them to achieve a common environmental aim. Thus the emphasis placed in the jury recommendations on citizen participation, education and urban planning encouraged this outcome,⁸¹⁰ by not asking or forcing citizens to drastically or quickly alter their way of living.

For some citizens involved in the Glenorchy waste management review, however, some changes they were being asked to make were far more immediate, and would directly alter their way of living. This became clear after conducting interviews with WMTF participants, as outlined in 6.5.2. Indeed, these interviews showed that when people are directly affected by a policy change, there is a strong tendency for them to debate and act in an instrumental manner that supports a pre-deliberative perception

⁸⁰⁹ Environmental Protection Authority, Community Education Manager.

⁸¹⁰ For instance, changes to urban planning generally involved new technologies such as those required for water sensitive urban design. Alternatively, changes such as site coverage and rainwater tank systems were for new rather than existing residential homes. Some recommendations regarding enforcement may, however, have encouraged more immediate changes in citizen's behaviour. Elton Consulting. *Bronte Catchment Citizens Jury Foreword and Recommendations*. These changes were arguably not however, as immediate as those involving backyard incineration at Glenorchy.

of their self-interest. Thus, as Femia suggests and was argued in 3.1.1, the aim of discussion can be to win the argument, rather than 'deliberate' to find an interest that is general to all.⁸¹¹ For example, the interviews revealed that incinerator users were generally the first to outline the reasons why incinerators should be allowed, and to highlight the potential problems with the green waste service that was designed to alleviate their need. Moreover, incinerator users were most reluctant to alter their preferences as a result of any counter argument, as they felt highly inconvenienced by the proposed alternatives. Indeed, the strength of feeling from some before the deliberations was clear to the council's Waste Management Coordinator, who argued many of these men believed they had a 'god given right' to their use.⁸¹² Consequently, while they were engaged in the discussions, expecting them to truly 'deliberate' and consider other forms of waste disposal was always going to be a difficult task.⁸¹³ In contrast, those citizens either without a need for (or divine right to) incinerators, or that could use the green waste service, found it relatively easy to see the benefits of these policy options.

To extend this argument, we need to consider how some people were able to justify their position, given the fact that instrumentally rational and self-interested arguments are not appealing in a public forum? One interpretation of the events that occurred is that the concept of a generalisable interest was used by citizens to defend their own interests. For instance, the incinerator debate saw people without the need for an incinerator make claims to a generalisable interest of clean air and good health, and argue that these were in the best interests of all Glenorchy residents. However, even incinerator owners, despite recognising they were in the minority of the Glenorchy population, claimed to not only be defending their own rights, but those of all responsible incinerator users.⁸¹⁴ Thus we can conclude that contrary to deliberative theory, where people have a strong opinion before deliberation, a 'generalisable

⁸¹¹ Femia, 'Complexity and Deliberative Democracy', p.384-85..

⁸¹² Glenorchy City Council, Waste Management Coordinator.

⁸¹³ It could be argued that the citizens of Bronte did not have as clear an understanding of their own interests before deliberation, and were therefore eager to learn about interests that were central to themselves, and the group.

⁸¹⁴ Similarly, one citizen with a use for the green waste service asked her precinct to not only think about themselves when making their decision, but other people in the community who would use it when making their decision. Conversely, an appeal to an arguments 'generalisable status' also came from someone who did not want the green waste service, as non-users of the service would also have to pay for it through their rates. Glenorchy City Council, Precinct Attendees.

interest' may not always be something that participants aim to 'find' with others, but can be a concept used to defend an existing position that suits the interests of the individual concerned.

Another interpretation of these events is that the citizens involved genuinely believed that the policy option they preferred was also good for many other people in Glenorchy. Thus the debate was not about defending specific interests by appealing to generality, but was truly about different interpretations of 'generalisable' interests or the common good. This would for deliberative democrats, appear a justifiable outcome. However, regardless of the interpretation of events that are believed, what is obvious from the incinerator and green waste debate, is that the concept of a generalisable interest is highly subjective. As a result, it is often the case that people tend to favour the interpretation of generalisable interests that is also in their interest. Accordingly, as suggested in 3.1.4, it could be argued that the clear delineation made within deliberative theory between 'particular' and 'generalisable' interests rests on uncertain ground.

While the incinerator and green waste debates therefore lead to a number of conclusions that are problematic for deliberative theory and the concept of a generalisable interest, the waste management interviews also reveal some support for deliberative theory. As deliberative theorists would expect, we find that over the less contentious issues, citizens did appear to take a 'deliberative' stance, which enabled an outcome to be achieved that was fair for all involved. Consequently, despite the lower tip fees that would have resulted, a few participants who initially favoured tip fees for all ratepayers did change their preference, when they realised the inequity in removing the current user pays system. In this case, however, there were two clear and unproblematic alternatives, one of which was universally recognised as inequitable. Thus it was relatively easy for all to see the merit in the user pays system, and resulted in one clear understanding of the generalisable interest that should be favoured. Importantly, this also meant that it would have been quite irrational for an appeal to generalisable interests to be made, by those who would have benefited personally from a policy of tip fees for all. As we argued above, a more complex but similarly clear course of action was available to the participants in

the Bronte Catchment Citizens jury, and appears to have been significant in shaping the agreement that was reached.

8.3.5 Generalisable environmental interests and citizen deliberation

It has been asserted by Dryzek that a generalisable interest may be one that any disinterested individual would subscribe to.⁸¹⁵ This is an important point, for it may be very difficult for the disinterested individual to disagree with the proposition that stormwater pollution prevention or clean air are generalisable interests, and that environmental integrity is perhaps the general interest. Therefore, at a high enough level of generality or where the questions posed can only lead to answers beneficial to the natural environment, we can state that there is a correlation between deliberative structures, and environmentally beneficial outcomes. Moreover, the employment of consensus-building techniques and the characteristics of the citizens involved can also encourage a positive relationship between democracy and the environment. As the Glenorchy case study also demonstrates, however, regarding some issues, people's understanding of what is a generalisable interest may also benefit them. One potential outcome when this occurs, is that an individual's interpretation of a generalisable interest can also become strongly affected by their own interests. This has a number of important implications. Firstly, people may become unwilling to change their opinions, and will tend to interpret information in a way that supports their own pre-determined views. Secondly, the subjective nature of a generalisable interests means it is likely that numerous interest positions will be defended for their generalisable status. And finally, instrumental rationality, or the pursuit of a pre-determined self-interest, may well be a problem for environmental decision making within our representative systems and liberal pluralism. But equally, the addition of deliberative forums to these structures does not eliminate the possibility that this will also be a primary determinant of the outcomes they produce. Therefore, as some theorists have come to recognise and the Glenorchy case study reveals, these factors raise the distinct possibility that arguments that support a potentially general environmental interest will not necessarily be favoured in a deliberative arrangement. It is for these

⁸¹⁵ Dryzek, *Discursive Democracy: Politics, Policy and Political Economy*, p.15.

reasons, that often the representative institutions they support must still be relied upon to defend the common environmental good.

The notion that deliberative structures will encourage the recognition of generalisable environmental interests must therefore be viewed as highly conditional. A similar conclusion may be reached when considering issues of democratic legitimacy, which is addressed below in the final substantive section of the chapter.

8.4 Greater Legitimacy and Improved Compliance

As argued in Chapter Two, to the degree that deliberative structures meet the conditions of an ideal speech situation, democratic arrangements are considered legitimate as they should enable the participants involved to make decisions free from coercion and manipulation. Furthermore, in theory, deliberative democrats suggest that we should expect greater compliance with the decisions reached, given the free consent of the actors involved.

As suggested at the start of this chapter, while deliberative theory inspired by Habermas can allow us to see differences among deliberative models, it does not allow us to ascertain which is the more legitimate or communicatively rational. Regardless of this theoretical difficulty, however, such theory could never confirm whether people involved in real deliberative settings believe the addition of a participatory or deliberative structure can enhance legitimacy, and whether the use of such structures does improve citizens' compliance as a result of taking part in these decision making processes. For this reason, this chapter moves on to consider these issues in light of the actions and statements of those involved.

Prior to a detailed analysis of the case studies, it can be asserted from the interviews and observations conducted that deliberative structures have considerable potential to improve the legitimacy of the decisions reached, and the subsequent compliance from those involved. However, commensurate with the subjective nature of a generalisable interest, the case studies also reveal that positive views about democratic legitimacy

may not always be universally shared and may, for some participants, even be linked to the outcomes that result from deliberation. Evidence of this claim may be seen from observations of citizen participants in the Waverley case study, and from interviews with citizens in the case of the Glenorchy precincts. Furthermore, although deliberative theory tends to speak about legitimacy in terms of those involved in actually making decisions, the subsequent actions of each council and interview responses with elected representatives also support this view.⁸¹⁶

8.4.1 Citizens, legitimacy and compliance

Although it was not possible to conduct interviews with the citizen jurors, these citizens demonstrated considerable and collective support for the recommendations they presented to the council at the end of the third day of deliberations. As one juror stated when presenting jurors' recommendations, 'we need our councillors to understand and support our ideas about stormwater.'⁸¹⁷ The collective support of the process was also illustrated by another juror, who commented that 'we would like this process used in other council areas and perhaps at the national level.'⁸¹⁸ Combined with the lack of disagreement among citizens regarding the procedure itself, these statements indicate that the jurors involved believed their recommendations were achieved without coercion and manipulation, and were a legitimate expression of their collective feelings. But did the jury process lead to improved compliance from the citizens involved in making these decisions?

Once again, while the absence of interviews with participants is unfortunate, it seems probable that at least some citizen jurors would have improved their compliance with the recommendations they collectively developed. Firstly, it is clear from observations of the jury that the citizens involved learnt a considerable amount about how their individual actions can reduce stormwater pollution in the Bronte Catchment. Moreover, as described in 7.7, the willingness of many of these citizens

⁸¹⁶ Given any deliberative structure in local government requires the support of its elected representatives, their views were also considered particularly important.

⁸¹⁷ Zwart, Observation of Bronte Catchment Citizens Jury.

⁸¹⁸ Ibid. The Council's General Manager also commented that there was considerable passion, excitement and commitment shown by the jurors towards their recommendations. Waverley Municipal Council, General Manager.

to comply with the agreements reached is also supported by their continued involvement in the council's stormwater activities following the three day jury process. It can also be stated that if the results of the Stage 2 Education campaign are any indication (7.5.2), at least some jurors would also have made changes in their behaviour to reduce stormwater pollution as a consequence of their involvement in the citizens jury. This was certainly the view of the council's General Manager who believed the jury had:

...created 15 strong advocates that talk to their friends and other people in Bronte, and down on the beach, and create that bit of buzz about the issue. Both in their own lives...many of them talked about how they have learnt, and how it will change their own behaviour. And I am sure they are all out there hassling their partners and kids and other Bronte residents.⁸¹⁹

Thus it seems likely that not only did the citizens involved show considerable commitment to the recommendations made, but their enthusiasm, interest and knowledge was also being shared with others in their local community. Whether Bronte citizens not involved in the jury would have shared the same level of commitment as those involved would, however, appear unlikely.⁸²⁰ Indeed, despite the best efforts of the consultants to keep them informed about the jury process, some established interests in the Bronte area were still questioning the legitimacy of its outcomes following completion of the process, despite being well informed and involved before and after the jury was held.⁸²¹

While we can nevertheless conclude the citizen's involved in the Bronte Catchment Citizens Jury appeared fully supportive of the process, and may have termed its

⁸¹⁹ Ibid.

⁸²⁰ For instance, experience with Catalan citizen juries suggests that the educational effects on jurors is not generally passed on to those not involved in the deliberative process. Re-producing such experience at the broader societal level is therefore considered extremely difficult if not impossible. Joan Font, Blanco, Ismael, 'Citizen Participation and Democratic Legitimacy: The Case of Citizens Juries in Spanish Local Government (1992-2000)' (Paper presented at the ECPR Joint Sessions of Workshops, Grenoble, 6-11 April 2001), p.16.

⁸²¹ Ryan, 'Enhanced stormwater management in Bronte Catchment through local community participation: Improving stormwater outcomes while strengthening democratic capacity. Final Report', p.32. This was not considered a typical response by the consultants, however, while the precinct and KBB members interviewed were highly supportive of the jury and its recommendations.

outcomes 'legitimate' as deliberative democrats would expect,⁸²² this was not always the case with the Glenorchy precinct system following its review of waste management. As indicated in 6.5.2.4, there were essentially two views put forward by precinct members on the fairness of the precinct system, and the council's final decision on waste management issues. The first view supported the decision of the elected representatives, given the review procedure and the method of making decisions was clear to citizens before they took part in precinct discussions and task force meetings. Thus, while most citizens were grateful for the opportunity to deliberate, most citizens accepted that the councillors were elected to make binding decisions and that the input of the precincts was only one method of understanding the community's views on these issues. The unrepresentative nature of the precinct membership was also considered important, because the precincts and the Waste Management Task Force were predominantly made up of older members of the Glenorchy community. As a consequence, most citizens interviewed recognised the unrepresentative nature of the precinct groups, and argued that this hampered their ability to be seen to represent the views of all people in Glenorchy. For them, this also reduced the legitimacy of the decisions reached by the precincts, and further justified the decisions made by the elected representatives.⁸²³ Indeed, an ironic challenge to deliberative theory is evident, when we discover that the aggregative mechanism of the survey (6.5.1) was considered by many citizens to provide a more legitimate expression of citizens' preferences, than the deliberations they participated in through the precinct system.⁸²⁴

An alternative view was expressed, however, which may be seen to support deliberative theory. Two task force members argued the precinct process was entirely legitimate, and felt the councillors should have supported the collective view of the majority of the precincts. This belief was given greater weight by another, who

⁸²² This view is supported by research conducted by Crosby, which suggests that citizen jurors are generally satisfied with the jury processes. Crosby, 'Citizen Juries: One Solution for Difficult Environmental Questions', p.164.

⁸²³ Glenorchy City Council, Precinct Attendees.

⁸²⁴ Carson et.al. have also note that televote processes (involving a random selection of large numbers of citizens) are considered more legitimate by key decision-makers than a citizens jury, given juries only involve a small number of people. They state that the deeper learning (or deliberation) undertaken in juries is not quantifiable. Lyn Carson, White, Stuart, Hendriks, Carolyn, Palmer, Jane, 'Community Consultation in Environmental Policy Making', *The Drawing Board: An Australian Review of Public Affairs*, 3, No. 1 (2002): p.6.

argued that the precinct process was a far more justifiable tool for obtaining public opinion than the survey results that reflected the views of citizens without the benefit of full information, and considerable debate. Such an opinion is clearly reflective of deliberative democrats, with Manin, for instance, stating that 'the source of legitimacy is not the predetermined will of individuals, but rather the process of its formation, that is, deliberation itself.'⁸²⁵

The responses gained to the questions about democratic legitimacy lead to another conclusion, which does not entirely support the expectations of deliberative theorists. This conclusion is that people's impressions of the fairness of a decision making procedure is very subjective, and may even be shaped by their perceived self-interest. As a consequence, for some individuals involved in real deliberation, the legitimacy of a decision making procedure may even be linked to the outcome that is achieved, rather than simply an initial commitment to the process that is used. The interviews showed that those citizens supporting arguments against incinerator use, and for a green waste service, were sympathetic to the council's decisions, and were generally quick to acknowledge the shortcomings of the precinct process. They also used the survey results to justify this view. Conversely, despite having a clear understanding of the review process and the advisory nature of the precincts, those who favoured the precincts' recommendations regarding incinerators and green waste were unhappy with the council's decision, with two even suggesting it was 'undemocratic.'⁸²⁶ While they may be accused of demonstrating a 'performative contradiction' by challenging the fairness of a process they had initially agreed to take part in, their views illustrate that in real circumstances, people do not always agree with the notion that it the procedure itself that makes a decision a fair one.⁸²⁷ It would be interesting to know

⁸²⁵ Manin, 'On legitimacy and political deliberation', p.351-52.

⁸²⁶ Glenorchy City Council, Precinct Attendees. Indeed, another citizen on the WMTF said he was 'reviewing' his decision to continue attending these meetings as a result. Nevertheless, it can be stated that in the vast majority of cases, provided citizens are made aware of the deliberative structures place within the decision making process of council, and have the reasons for council decisions explained to them, they can accept the decisions made. Where citizens become particularly unhappy it seems, is when they feel they have not been consulted at all.

⁸²⁷ Although the deliberative structure may be viewed as fair to citizens before deliberations take place, another important factor involving questions of legitimacy may be the actions of some individuals involved. As suggested in 6.5.2.3, one precinct member interviewed stated they did not feel their convenor gave some issues enough time to be debated. As a result, they questioned whether the outcomes achieved around waste management issues were a true reflection of the preferences of the group. Ibid. Similarly as Crosby suggests, reducing the inherent bias with jury facilitators is vital and

how the vast majority of citizens who do not attend precinct meetings now view the legitimacy of the council decisions regarding waste management, although attaining their views is, unfortunately, beyond the scope of this thesis. It was possible, however, to gain interview responses from many of the elected representatives of each council, to which we now turn.⁸²⁸

8.4.2 Councillors, legitimacy and compliance

In addressing the issue of legitimacy and compliance, councillors in both councils were asked if the deliberative procedure assisted them in making decisions about the issues involved, and whether they believed the decision making process enhanced the legitimacy of these decisions and the council's subsequent willingness to support them.

In the case of the Bronte Catchment Citizens jury, it should be noted that the five councillors interviewed at Waverley all considered themselves to be supportive of the jury process. Perhaps part of the reason for this was their belief that the citizens jury assisted them to make decisions regarding stormwater pollution prevention. As suggested in 7.4.1, solutions to addressing stormwater pollution are considered to fall into two distinct categories. The first is structural source control involving a variety of technologies such as GPT's, while the alternatives, such as community education are non-structural. For one of the Liberal councillors interviewed, this debate between structural and non-structural pollution control was also one that had been prevalent among the councillors of Waverley. Before the jury, she had viewed structural solutions as being advantageous for two reasons. Firstly, the large amount of funding available from the EPA for such solutions had made it difficult for her to seriously consider other options, given the council's desire to gain any forms of funding. Secondly, such devices have a visible impact on the pollutants entering the municipality's waterways. She argued that the drawback of this approach is the

may influence perceptions of fairness. Crosby. 'Citizen Juries: One Solution for Difficult Environmental Questions', p.168-69.

⁸²⁸ A number of citizens were also asked about their compliance with the the subsequent decisions of the council regarding backyard incineration and green waste. All agreed they would comply with (but did not necessarily support) the council's decisions, regardless of their impressions of the legitimacy of the decision making process. Glenorchy City Council, Precinct Attendees.

ongoing maintenance costs. This dilemma she and her fellow councillors faced was essentially resolved by the citizens jury, however, as its emphasis on non-structural stormwater solutions satisfied her that these options were particularly useful, and worthy of council's investment. She argued:

We would have gone down the GPT path I think... Well that's what we had done until then. The jury gave us an emphasis to tell us to stop. Because for council in a way, the GPT's were an easy decision, it was only money. Yeah, you had areas where you know there is a problem, so fine, you get the money, buy a trap, then problem solved. The jury made us stop and think.⁸²⁹

The jury, therefore, helped this councillor see the value in a comparatively new approach to stormwater pollution prevention. As a consequence, both she and some council staff believed that the jury had brought a greater emphasis on community participation, education, and urban planning issues, than would otherwise have been the case.⁸³⁰ The other councillors interviewed did not feel the debate between structural and non-structural approaches within council was particularly stark, as the council had already begun to move towards a more diverse range of approaches to stormwater pollution.⁸³¹ For them therefore, a primary value of the recommendations was to either increase their knowledge of the variety of stormwater approaches available, or give them confidence that non-structural approaches had the support of the community.⁸³² It is clear then, that the jury informed councillors of citizens' views, and made their decision making regarding stormwater issues easier. But did it improve the legitimacy of the decisions reached, and alter subsequent compliance?

⁸²⁹ Waverley Municipal Council, Councillors.

⁸³⁰ As the council's General Manager stated, 'maybe without the jury we may have got there, but we wouldn't have for a number of years. Because we wouldn't have had the catalyst that was saying education and participation are important, and that we should use these tools more strongly. Despite us having a commitment to these things, we still tend to think in terms of what we can deliver, be it a development control plan or whatever. So it really pushed these other agendas, and the partnership with the community.' Waverley Municipal Council, General Manager.

⁸³¹ Within the council organisation there was also a different appreciation of the value of non-structural source control approaches. The Manager of Public Works and Services favoured structural solutions such as GPT's, primarily due to his engineering background. The various Environmental Services Managers who worked under him, however, were more supportive of other approaches, and had hoped to carry out some community education programs and associated activities. The lack of funding and council support for such initiatives ensured that approaches that included the community were not widely used. Waverley Municipal Council, Former Environmental Services Manager No.2; and Waverley Municipal Council, Former Environmental Services Manager No.1.

⁸³² Waverley Municipal Council, Councillors.

To address these issues, the five councillors interviewed were asked whether the jury strengthened their position as elected representatives, and further legitimised the decisions they made. Importantly, all suggested that the jury was beneficial in enabling them to carry out their duties as elected representatives, although their reasons for this varied. One pointed out that the Local Government Act stipulates that councillors have a role to facilitate the passage of information to the community. As a consequence, he felt that the citizens jury was able to inform the elected representatives about stormwater issues, as well as some community members. Given elected representatives have the task of representing their community, he also believed the jury had strengthened his role as an elected member. This is because 'where you are able to be more comfortable in your role as an advocate..you are in a stronger position when you implement those recommendations.'⁸³³ One consequence for this councillor, as the deliberative democrats would assert, was greater legitimacy in the decisions reached, given elected representatives had considered the recommendations provided from a highly informed cross section of the community. Two other councillors shared a similar view. For one, 'it makes what we are saying real...it legitimises the environmental initiatives we want to get up',⁸³⁴ while for another it further legitimised the council's decisions given 'we got a bit more respect out of it.'⁸³⁵ One councillor definitely did not believe the jury added legitimacy to the decisions reached, however, as for him legitimacy resided entirely with the elected representatives. Nevertheless, he did acknowledge that the jury was another source of information for councillors about community views.⁸³⁶

While councillors views therefore varied on the question of legitimacy, it is evident that the jury altered the speed of the council's commitment to stormwater pollution initiatives via its ISMP. As one councillor argued:

⁸³³ Ibid.

⁸³⁴ Ibid.

⁸³⁵ Ibid.

⁸³⁶ The fourth councillor interviewed was not sure how the jury affected the legitimacy of the council's decisions, although he believed it assisted him as an elected representative by effectively reducing his workload as a councillor. Thus in regard to the jury recommendations, councillors 'just run over it and say well that's pretty much what I thought, or that's interesting...let's go with it.' Ibid.

I think what was put forward would have come about one day, but with this process it came about quicker. We were going to do it, but there are other budget priorities. But if you have a committee pushing something like the jury that you make a commitment to, well then you make sure it takes place.⁸³⁷

This comment was supported in particular, by former and the current Environmental Services Managers, who believed there was a considerable increase in upper management support for the ISMP after the citizens jury.⁸³⁸ As a consequence, one argued: 'I don't think it would have gone as far as it did without the recommendations of the community. And I mean their recommendations are the basis of the plan.'⁸³⁹ It is clear then, that not only did the jury recommendations assist councillors in supporting the use of a broader range of approaches to stormwater pollution, for some it further legitimised the decisions reached, and increased the speed at which the council acted on stormwater issues. These views were not as widely held, however, at the Glenorchy City Council.

Unlike the councillors at the Waverley Municipal Council who all proclaimed support for the citizens jury by the time the process began, the councillors of the Glenorchy City Council were divided over the value of the precinct system. As suggested in 6.2, three of its twelve elected members were publicly opposed to the structure in its current form.⁸⁴⁰ Nine councillors were interviewed in total with one of the three opposed to the precincts accepting an invitation to be interviewed. As expected, those councillors who supported the precinct system also had more favourable opinions of its ability to provide legitimate outcomes.

All councillors interviewed stated they had considered the recommendations of the precincts regarding waste management issues, although only those in support of the precinct system believed it had assisted them in making their decisions about waste management issues. When asked whether the precinct process strengthened their position as elected representatives and further legitimised the decisions the council

⁸³⁷ Ibid.

⁸³⁸ Waverley Municipal Council, Environmental Services Manager; and Waverley Municipal Council, Former Environmental Services Manager No.2.

⁸³⁹ Waverley Municipal Council, Environmental Services Manager.

⁸⁴⁰ Zwart, Observations of Glenorchy City Council Precinct and Council Meetings.

reached, a variety of responses were obtained. Three councillors suggested that attending precinct meetings definitely provided another avenue for councillors to improved their knowledge about citizens' priorities and views. As a consequence, although discussions undertaken with citizens at precinct meetings did not replace interactions they had with other citizens, these meetings definitely strengthened their position as advocates of their local community. Indeed for one of these councillors, gaining a better understanding of community views even enabled her to 'make better decisions.'⁸⁴¹ Furthermore, all councillors who supported the system stated that the precincts' input was valuable as another source of input into the policy-making process, with a number indicating their input provided further legitimacy to the council's decisions. For one of these councillors, citizen deliberation was essential because:

If the waste management issues had not been discussed by the precincts, then it may not have worked, and they may not have supported it. If any council or government organization doesn't consult to the full regarding why they make their decisions... then their decisions won't be supported.⁸⁴²

For this councillor, and as the deliberative democrats assert, it seems simply providing an opportunity for citizens to publicly discuss issues conferred greater legitimacy on council decisions. For others, legitimacy was gained because the precinct system had made the council more accountable to an informed group of citizens. Indeed, two councillors further echoed the views of the deliberative democrats when they stated for this reason they had considered the views of the precincts particularly carefully regarding waste management issues.⁸⁴³ Importantly, the small number and older age profile of precinct attendees did not concern those councillors who supported the system. They understood the limitations of the precinct system in this regard, but

⁸⁴¹ Glenorchy City Council, Councillors.

⁸⁴² *Ibid.*

⁸⁴³ For one, although the survey 'is a good indication of what people are thinking', the higher level of understanding of precinct members meant that had the incinerator issue resulted in 'a unanimous decision in the precincts not to support a ban, then I may have gone the other way.' Similarly, another stated that the benefit of public deliberation over other forms of community consultation is that councillors can become aware of how intensely some views are held within the community, and not just whether they are held. *Ibid.*

were undaunted given attendees provided an additional source of community input to assist their decision making.⁸⁴⁴

The three councillors opposed to the precinct system appeared to hold different views regarding the legitimacy of this method of public participation. One who agreed to be interviewed, believed the system should have become more cost effective by reducing administrative support and the regularity of meetings,⁸⁴⁵ while another believed the system was unaffordable and beyond the 'core business' of council.⁸⁴⁶ Indeed, one councillor even stated in a local paper that the precinct system produced 'few outcomes and there's a lack of quorums...and creates another possible tier of government.'⁸⁴⁷ Moreover, he wanted to see 'real outcomes' rather than a system in which '99.65 per cent of the Glenorchy community does not participate.'⁸⁴⁸ Consequently, he concluded at a council meeting, that there was virtually no support for the model.⁸⁴⁹ With these views expressed publicly, it was unsurprising that the councillor who agreed to be interviewed felt the input of citizens through the precinct system did not add legitimacy to the decisions of the council. Indeed, it could be argued his views and those of his counterparts are illustrative of the representative democratic tradition, and the historically conservative philosophies of local democracy described in Chapter Four. For example, he suggested that 'nothing is more consultative than going out to the community and asking them what they want. If you want community consultation, why don't you ask the councillors to go out into the community and ask them what they want?'⁸⁵⁰ Moreover, this councillor believed the precinct system was so 'fundamentally flawed' and unrepresentative of the broader population, that the decisions it made could not be trusted as a representation of community views. Despite these serious concerns about the legitimacy of the precinct system, this councillor also stated when interviewed that he believed the precincts should become 'more militant' about issues he raised in his election

⁸⁴⁴ A number also made the point that frequently those that attended the meetings were also speaking on behalf of their family, their neighbours, or their street. For this reason, it was important to carefully consider their views, recognising they were often speaking for not only themselves, but a broader public as well. Ibid.

⁸⁴⁵ Ibid.

⁸⁴⁶ Zwart, Observations of Glenorchy City Council Precinct and Council Meetings.

⁸⁴⁷ Stuart Slade, 'Local Government', *The Mercury*, 28 November 2002, p. 15.

⁸⁴⁸ Ibid.

⁸⁴⁹ Zwart, Observations of Glenorchy City Council Precinct and Council Meetings.

⁸⁵⁰ Glenorchy City Council, Councillors.

campaign in November 2000. For him, these issues truly reflected the concerns of the community, yet the precincts had not raised these issues as concerning them.⁸⁵¹

Similar to the aggrieved citizens involved in the waste management review, it seems for this councillor, legitimacy may not be gained from the procedure itself, but from the outcomes that may result.⁸⁵²

While it has been possible to gain the views of some participants and councillors around questions of democratic legitimacy, it is difficult as suggested above, to assess the views of most citizens within Glenorchy and Waverley. However, what is clear in Glenorchy where this issue remains contentious, is that councillors supporting the precinct system have continued to gain electoral support in recent council elections.⁸⁵³ Thus it seems at a broader societal level, even citizens who do not regularly attend structured citizen participation favour the use of participatory mechanisms, and would be likely to see their outcomes as improving the legitimacy of the decisions reached.⁸⁵⁴

8.4.3 Deliberation and democratic legitimacy

As argued above, the idea that legitimacy should be found in the degree to which real world approximations meets the ideal is not, of course, a concern for the participants in real deliberations. The real deliberations that occurred in both case studies

⁸⁵¹ Ibid.

⁸⁵² The issue of compliance was not discussed with Glenorchy councillors regarding waste management issues, given the waste management review involved a discussion of predominantly existing services that were to be maintained or altered. There was a general agreement from most councillors interviewed, however, that they were more likely to support activities such as the Weed Management Strategy and the re-development of Benjafield Park, if they had the support of the precincts or other community groups.

⁸⁵³ Although individuals cannot be named, those councillors supporting the precinct system in its current form made their positions clear during the interviews conducted, and at both council and precinct meetings. The Mayor in particular, gained extraordinarily high support during the 2002 elections, which can be attributed in part to his views on community participation and the general policy direction of the council. See Tasmanian Electoral Office. *Local Government Elections: Glenorchy City Council*, 2002 [Cited 7 May 2003]. Available from <http://www.electoral.tas.gov.au/pages/local/2002/FirstPrefs/Glenorchy.htm>

⁸⁵⁴ Research conducted by Carson supports the view that citizens support mechanisms such as precincts for community consultation. In a recent survey of Lismore residents for instance, 70 percent of respondents were in favour of the council implementing a Residents Feedback Panel. In what may be seen as a serious indictment of the representative model however, 70 percent of councillors were against the idea despite it being cost-neutral to the council. Carson, 'Consultation in the Lismore Local Government Area: Analysis of Telephone Survey Conducted May/June 2000', p.28.

demonstrate considerable support for deliberative theory, as many participants appeared to agree with the notion that these structures provided legitimacy to government decisions, given the decisions reached were formulated after considerable debate in forums ostensibly free from coercion and manipulation. For some participants in the Glenorchy precincts for example, the views of precinct members gave a far better expression of citizen preferences than the aggregative mechanism of the survey. For other citizens, however, the fact the precincts were not broadly representative of the Glenorchy population ensured that the survey results were a more accurate demonstration of citizens' preferences, and justified the decisions made by the elected members. This may be viewed as an interesting challenge to deliberative theory, which views the act of discussion as the source of legitimacy, rather than the simple aggregation of preferences. Perhaps the more important issue from these case studies, however, is the recognition that for real discourse participants and others actors such as elected representatives, notions of democratic legitimacy are very subjective and may even be shaped by the outcomes that are achieved, and not simply the activity of deliberating itself.

8.5 Deliberating the Environment

Analysing the resolution of environmental issues through local deliberative structures has provided some support for deliberative theory's environmental credentials. Through their ability to include new voices in the policy process, deliberative structures have considerable potential to uncover local knowledge, and result in new and innovative solutions to issues of local concern. Given a range of favourable conditions, deliberative models may also enable people to view problems in a similar manner, and lead to a recognition and support of interests that are both general to all, and beneficial to the natural environment. Similarly, deliberative structures may be seen to improve the legitimacy of the decisions reached, given they allow opportunities for discussion to be undertaken without coercion or manipulation.

The support for deliberative theory's environmental credentials is not, however, unqualified. As the Glenorchy case study indicated, where the issues being addressed

are open and allow for considerable debate, the course of action not obvious or pre-determined, and the participants not carefully selected, there remains a distinct possibility that the favourable environmental outcomes expected from deliberative forums will not eventuate. This is due to a number of factors. Firstly, the concept of a generalisable interest may be highly subjective, resulting in a number of interpretations of generalisable interests. Secondly, this may result in the possibility that citizens will use the concept of a generalisable interest to stringently defend positions that are self-interested and pre-determined, rather than debate to find interests that are truly general to all. And finally, while deliberative structures may enhance legitimacy and improve compliance with the agreements reached, for some participants in real deliberation, legitimacy may not only reside in the structures of deliberation, but also the outcomes that are produced.

Chapter 9

Summary and Conclusions

9.0 Introduction

This thesis has set out to test a number of theoretical propositions about the relationship between deliberative forms of democracy, and the outcomes that may be achieved. Firstly, the proposition that the use of deliberative models to involve citizens in decision making will lead to a more informed policy process. Secondly, that the decisions reached will not only reflect one or more interpretations of the 'general interest', but that the generalisable interest favoured will almost certainly be good for the life supporting systems of the planet. Moreover, that the free and uncoerced nature of deliberation will improve the legitimacy of the decisions reached, while increasing subsequent compliance.

Although numerous democratic theorists make these propositions, it is clear that assumptions such as these also underpin and can inform, some contemporary processes occurring at the local government level to address environmental issues. In this chapter, the conclusions reached about these propositions will be summarised. Furthermore, a brief discussion about different deliberative models and the greening of decision making is undertaken. We shall also reach some broader conclusions about the value of the deliberative model for local government.

9.1 Summary of Findings

9.1.1 Informing policy processes

The first claim made by advocates of a deliberative approach to environmental policy making is that it will lead to a more informed policy process, by adding either local knowledge or new ideas. This assertion gained considerable support from both case

studies. Firstly, it was discovered that deliberative procedures have great potential to inform citizens about local environmental issues. Secondly, the process of learning involves a two-way flow of information, as citizens are also able to provide some local knowledge to the policy process as well. In the case of the Glenorchy City Council this was particularly evident when the Weed Management Strategy was produced, while the Waverley citizens jury also demonstrated that citizens had contributed some local knowledge to the policy process. Similarly, while the Bronte Catchment Citizens Jury in particular allowed some new and creative ideas to be generated around stormwater pollution prevention, at times the Glenorchy precinct system has also led to some innovative ideas being debated and advocated by those involved. It can be seen then, that deliberative theory is right when it suggests that deliberative arrangements can lead to a more informed policy process.

9.1.2 General interests

The second and perhaps most central proposition of deliberative theory, is that deliberation allows for both the recognition and favouring of generalisable interests. Moreover, that as the pre-eminent generalisable interests, arguments favouring the life-supporting capacity of natural systems should prevail. After reviewing the existing literature on small groups and two case studies in local government, this thesis has argued that deliberative theory is correct in its belief that deliberative arrangements may promote the favouring of generalisable interests that will benefit the natural environment. This was shown to be the case, particularly where the issue for discussion is carefully constructed or relatively non-controversial, the sponsor's aims and objectives clear in encouraging environmentally favourable outcomes, and the citizens involved favourably disposed to deliberating about environmental issues.

However, it has also been shown regarding some issues, that people's understanding of what is a generalisable interest may also benefit them. One possible outcome when this occurs, is that an individual's interpretation of a generalisable interest may also become strongly affected by their own interests. Thus, citizens may genuinely feel what is in their interests is also in the interests of others. Alternatively, and contrary to deliberative theory, it is possible that citizens may not actually 'deliberate' to find

outcomes favourable to all, but rather, use the concept of a generalisable interest to defend an instrumentally rationalised and self-interested position. As a consequence, the favouring of particular interests may also occur under apparently deliberative conditions, while true 'deliberation' may be unlikely where passionately held and intensely self-interested views are clearly articulated. Regardless of which interpretation is believed, however, such a situation raises the distinct possibility that numerous positions will be defended on the basis of their generalisable status. Moreover, the argument preferred may not have favourable consequences for the natural environment. In this regard, the thesis supports the view of critics such as Femia, who argue that the clear delineation within deliberative theory between 'particular' and 'general' interests is highly problematic. These findings also illustrate that the representative system may, therefore, be needed at times to defend the common environmental good.

If a further conclusion can be reached, however, it is that such findings do not invalidate the notion that elected representatives in a liberal 'polyarchy' may also pursue 'particular' interests. Indeed from the case studies conducted, it seems that councillors are also prone at times to address certain issues in a manner that supports their own interests or the views of their party, while appealing to notions of the common good or community interest. It is for this reason that a more informed and active citizenry is beneficial, by encouraging decision makers to further defend their arguments, and look beyond their own vested interests or ideological positions to consider the often diverse needs of all members of society.

9.1.3 Legitimacy and compliance

The third primary claim made by deliberative theory is that because discussion is essentially free from coercion and manipulation, the decisions reached within a deliberative forum will lead to improved legitimacy and greater compliance from those involved. It was discovered in both case studies that this notion has substantial support from real participants and elected representatives, given the decisions reached occurred after considerable debate in arenas that were not overtly coercive. Some participants involved in deliberations for this reason viewed discussions within

deliberative forums as providing considerable legitimacy to governmental decisions. For some citizens, however, perceived problems in deliberative structures, such as their ability to represent the entire citizenry, can impact upon opinions about democratic legitimacy. Moreover, this may encourage citizens to view 'aggregative' means of gauging public opinion such as surveys, as providing greater legitimacy to the decisions reached. This may be viewed as an interesting challenge to deliberative theory, which views the act of discussion as the source of legitimacy, rather than the simple aggregation of preferences. Perhaps the most important statement that can be made regarding deliberative democracy and legitimacy, however, is that for real discourse participants, notions of democratic legitimacy are very subjective. As a result, while many citizens may initially view the act of deliberation itself as providing legitimacy to the decisions reached, ultimately, the outcomes achieved will also impact on impressions of fairness and democratic legitimacy.

As suggested above, one issue that becomes paramount in any deliberative arrangement is who becomes involved, as clearly who participates is just as important in shaping outcomes as the arguments that are presented. In this regard an interesting paradox arises. If membership of deliberative forums is left open, there is a strong possibility only the politically active or 'community minded' will attend, and will make decisions for the 'silent majority.' Thus, while deliberation is open to all, it may be perceived as involving a self-selecting elite. Alternatively, however, where citizens are carefully selected to ensure they are broadly representative and as 'objective' as possible, it is uncertain whether more established interests and community groups will then consider the outcomes reached to be in the interests of the whole community. As the Waverley case study showed, it seems the best chance of gaining the support of such groups is to keep them informed and involved where possible in the activities undertaken.

9.2 Deliberating for Greener Outcomes

Although a number of conclusions have been reached about the ability of deliberative forums to produce the outcomes expected from them, one question that remains is

whether the largely positive environmental outcomes achieved in Waverley could ever have occurred in Glenorchy around issues such as air quality. While both cases are illustrations of deliberative processes, there were as previously discussed, considerable differences between the two cases that appear to have influenced the outcomes. But what if the Tasmanian State Government had employed a statewide campaign over the past three to five years explaining the health problems created by air borne pollutants, and some measures to alleviate them? What would have occurred if the Glenorchy City Council had followed this with both a localised community education campaign, and an information-rich and consensus-building arrangement such as the citizens jury used at Waverley? Would those citizens with an apparently 'divine right' to use their incinerators for instance, finally agree that there are better alternatives to destroying their household waste? It is not possible to answer these questions with any certainty, particularly when some issues appear beyond discussion and 'rational' thought for some citizens. However, for those looking for a greener society, while there is no guarantee some individuals would even deliberate upon certain questions, given enough time, public education followed by deliberation would appear the best chance of success.

9.3 Resistance and the Deliberative Model

9.3.1 Taking the risk of public deliberation

Both case studies have illustrated Australian councils that were prepared to actively involve their citizens in decisions that affect their lives. This preparedness was also accompanied by considerable organisational support for the initiatives involved. However, it is also clear that while there may be initial scepticism regarding the value of such initiatives, with some early success and persistence a greater willingness and acceptance of the value in directly involving citizens can grow. Indeed, staff and elected representatives may no longer ask whether citizens should be given the right to be involved, but simply how this should occur. As Waverley's General Manager stated when interviewed:

Ten years ago, your planners would have seen community input as ill-informed community members inappropriately interfering in professional judgements. But times have changed now. And in this organization most staff would see the dynamic that occurs when you involve the community that produces really good outcomes, a better outcome.⁸⁵⁵

It is also clear, however, that the use of deliberative models remains challenging for some staff and elected representatives, with the Glenorchy City Council a perfect example. While the expression of citizens' views through the precinct model is an accepted input into decision making processes at Waverley, the Glenorchy precinct model has had to withstand considerable uncertainty over its future, and constant attempts to undermine this system of citizen participation by some elected representatives. At the heart of their concerns appears to be the considerable challenge that formal community consultation can make to either their status, or the arguments they make. As one councillor stated during a council debate, 'it is a councillors' job to take issues to the council', implying it was not the role of citizens, while he also felt that 'the precinct model is not part of council' and that 'the same informing of the community could occur by the public listening to what is discussed from the public gallery.'⁸⁵⁶ These concerns have effectively been supported by an argument that local government is primarily a provider of state legislated services, and that as a financially struggling council, the Glenorchy City Council cannot afford 'non-core' activities such as the precinct system in its current form.⁸⁵⁷ Clearly, involving citizens in public debates is not an inexpensive exercise, although it is surely also a question of priorities. Therefore, the most important question it seems, is how much are citizens prepared to pay for more open and accessible government?

9.3.2 Becoming a citizen

Many citizens of Waverley appeared to have recognised the value in citizen participation and open and accountable local government, when they elected a new

⁸⁵⁵ Waverley Municipal Council, General Manager.

⁸⁵⁶ Zwart, Observations of Glenorchy City Council Precinct and Council Meetings.

⁸⁵⁷ Ibid.

council in 1987 that implemented and supported a precinct system. These citizens have continued to support the Waverley council, which has become a leader in community participation. Similarly, Glenorchy citizens responded in support of citizen participation in the 2002 council elections, by favouring representatives that advocated a 'community driven' model of local government that includes a well funded precinct system. Moreover, many indicated their support for the precinct program when an independent review in May 2003, revealed that 89.4 percent of the 400 residents surveyed believed the precinct program should continue in Glenorchy.⁸⁵⁸ Perhaps what the majority of the citizens in both councils appreciate, is that while there may be tangible benefits in citizen deliberation which this thesis has already demonstrated, more subtle benefits can also result from this approach to local government. These benefits may, however, challenge some elected representatives.

The first 'intangible' benefit that appears to have come from both deliberative models, is that some people have, for the first time, become interested and active around issues influencing their daily lives. The experience of one attendee at Glenorchy precinct meetings is illustrative in his deputation to the council about the precinct program's future. He stated he was initially cynical about the precinct program, and attended his first meeting to complain about an issue that affected him. However, participating in a few meetings had changed his views about citizen participation and the precinct program, as he believed the council did listen to people's views, and real progress had been made on many issues. As he stated in his deputation:

Previously myself and many others had felt helpless to improve Benjafield Park as a group of individuals, but the precinct gave us an opportunity to work together with the council to improve the park. Participation in the precinct meetings is real, and the contribution I can make really influences the outcomes. Participation in precincts is not token, and the council really listens to what we have to say.⁸⁵⁹

Similarly, many of the previously 'passive' citizens involved in the Bronte Catchment Citizens jury were, with the support of their council, to later become actively involved

⁸⁵⁸ Waterhouse, Charles, 'Precinct Program 'waste'', *The Mercury*, 30 May 2003, p.18.

⁸⁵⁹ Zwart, Observations of Glenorchy City Council Precinct and Council Meetings.

in actions to educate, inform and involve the public about stormwater pollution prevention. Thus the interviews and observations undertaken would appear to support research conducted regarding deliberations in Catalan citizen juries, which:

...were for most participants a chance to think about the problems of their own city. Furthermore, most jurors expressed their satisfaction to be taken into account for a decision that was relevant for the whole city. For jurors with lower political sensibility, this feeling was especially intense and helped them to perceive themselves as relevant members of the community – that is, as citizens.⁸⁶⁰

Another benefit for some Glenorchy precinct attendees is that they now feel more informed and thus empowered to question council priorities and actions. Precinct attendees are not the only people to become more informed about the policies and activities of council, however, as people who do not generally attend meetings may also become informed through a variety of other methods instigated by, or for the precincts. For the Glenorchy councillors who support this deliberative model, this 'ripple effect' is considered one of the most beneficial aspects of involving citizens in council decision making.⁸⁶¹ Moreover, for most councillors at both Glenorchy and Waverley, the greater level of empowerment that information provides has meant that council staff and councillors are not only more aware of many citizens' opinions about particular issues, but are encouraged to further justify the decisions they make to this more informed group of people. This has not only led to a greater level of scrutiny of all council decisions, but in the minds of many councillors, frequently brought the policies of council closer to those that their citizens support.⁸⁶²

In Glenorchy, the greater opportunity citizens have to meet with councillors and staff to discuss issues of interest or concern to them has had a number of additional effects. For instance, in the minds of some people it has broken down the perceived barrier between the council and the community and in some cases, between different groups in society. As one survey respondent stated, 'being aware and more mindful of the

⁸⁶⁰ Font, 'Citizen Participation and Democratic Legitimacy: The Case of Citizens Juries in Spanish Local Government (1992-2000)', p.17.

⁸⁶¹ Zwart, *Observations of Glenorchy City Council Precinct and Council Meetings*.

⁸⁶² Glenorchy City Council, *Councillors*.

issues that affect the general community, one becomes more attuned, thus dispelling the 'us and them' attitude that generally disunites society.⁸⁶³

Furthermore, one of the major criticisms of the deliberative or participatory model is that only those people who have a real interest and strong opinion on a specific issue will attend. Given that an element of self-selection is inevitable when citizens agree to participate in deliberative arrangements, it is not surprising that many regular attendees of precincts for instance, do in fact participate to influence decisions around one or a number of specific issues that interest them.⁸⁶⁴ Single issues can also be seen to attract other citizens to an occasional meeting, which for many will be their only involvement with this form of deliberative arrangement. This may be due to the satisfactory resolution of the issue, or alternatively, the small possibility that they will leave disappointed and not wish to participate in discussions again. It is important to recognise as the research conducted into both deliberative structures illustrates, however, that many citizens continue to take an interest in local issues for reasons other than simply pushing their own views on specific issues that may adversely affect them. It has become evident that when given the opportunity, there are people in society with the time and enthusiasm to make a positive contribution for the good of either their local environment, or other citizens in society. Consequently, these deliberative structures linking the council and its citizens may also provide opportunities for citizens to work with others, and develop new friendships. As one Glenorchy councillor said when interviewed:

I think that is one of the big things that has come out of the precincts. For many people that go to meetings, maybe for the first time in their lives, they find out what community really is about. And that is working together, even if it is only half a dozen people doing something about putting a flowerbed in Benjafield or anything else for that matter...the feeling of getting to know one another, and what it is called is community.⁸⁶⁵

⁸⁶³ Ivan Zwart, 'Glenorchy City Council Precinct Survey' (Hobart: 2001).

⁸⁶⁴ Ibid.

⁸⁶⁵ Glenorchy City Council, Councillors.

9.4 Concluding Remarks

It seems likely that the trend towards the use of deliberative models to supplement our representative system of local government will continue in Australia. The question that has been addressed in this thesis is whether these models can as the literature asserts, also inform policy processes and assist in the greening of the decisions made, while providing much needed legitimacy to the representative system.

Although there is little doubt citizen deliberation can inform both elected representatives and the policy processes they come to advocate, there is no guarantee that both environmentally favourable and universally legitimate outcomes will always prevail. With the right conditions, however, citizen deliberation does enable every chance of success.

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Appendix One

Glenorchy Precinct Survey Results

All members of the Glenorchy community who had attended a precinct meeting were invited to complete and return a survey. The survey was conducted over a three month period, and participants were able to obtain copies in one of three methods. Firstly, I attended all precinct meetings and distributed surveys at the end of each meeting following a short explanation of its purpose.⁸⁶⁶ To reach those people who had not attended this meeting, a short article was placed in the *Glenorchy Gazette* informing people of the research being undertaken, and inviting them to complete a survey that could be obtained from the front office of the council chambers. Alternatively, they were able to obtain an electronic copy from the School of Government's web page. Of the 105 surveys distributed, 52 were returned, giving a very high response rate, and an excellent overview of precinct members thoughts on the precinct system.⁸⁶⁷

The survey was divided into four sections, consistent with the aims of this research. The first two questions aimed to discover why people attend precinct meetings, while the second group of questions attempted to identify whether attending precinct meetings had increased people's involvement in other community or council events. The third group essentially related to participants knowledge of, and involvement with, environmental policy development and implementation before and after their attendance at precinct meetings. The final few questions were designed to establish the demographics of the precinct members. The answers given to each of these four groups of questions will now be discussed in some detail.

⁸⁶⁶ All but three of the surveys were returned as a result of this method.

⁸⁶⁷ This high response rate can be explained as the researcher attended eight different precincts and sixteen meetings in total, and outlined the utility of the research and survey design to each meeting. A return envelope was also supplied with each survey. The four meetings that were not attended by the researcher due to illness were given surveys by the council's Precinct Liason Officers, although responses from these precincts were not as forthcoming.

Who participates in precinct meetings?

Identifying the age and gender of precinct attendees was considered important to assess the criticism that only those with the time or energy to participate will attend public deliberation. This criticism was proven to be essentially valid in the case of precinct attendees, as the majority of attendees were older citizens, many of whom had developed an interest in community issues over a period of years. This is supported by the survey respondents average age of 57, with the youngest person being 38.⁸⁶⁸ There was however, a very even spread of males to females, with 53% of respondents male and 47% female.

This age profile revealed by the survey, however, hides a number of relevant factors about the community that either attends precinct meetings, or is reached by the activities and actions of the precincts. Firstly, the average age of the regular precinct members would appear quite accurate from the survey, as many of the respondents who did not provide their age stated they were retired, indicating that the average age of respondents was at least as high as the average of 57 years. This needs to be offset, however, by the fact only one survey was completed by a precinct with a younger age profile. It should also be recognised, however, that less regular attendees at precinct meetings do appear to be of a younger age profile. For instance, from observations and discussion with precinct members and council officers, it seems that younger people are more likely to attend meetings for a specific issue, rather than other reasons such as friendship. This can be explained as many may have young families, less of an interest in local politics or their local community, or lead comparatively busy lives. Thus the general absence of people between the ages of 25 to 40 in the survey data, may not be entirely representative of those who make more occasional appearances at meetings. Furthermore, the fact that children under the age of 16 may not vote at precinct meetings would clearly discourage their attendance. It also ignores the occasional attendance of school age children with their parents, or their attendance as members of youth task forces, which have been set up in three precincts.

⁸⁶⁸ This average was well above the median age for the city of 37 years. Australian Bureau of Statistics, 'Census: Basic and Community Profile and Snapshot'.

In terms of the direct and indirect participation in the precinct program, research conducted by the council in June 2001 showed that 548 people or 1.27% of the Glenorchy population receive minutes in the mail from one of the 12 precinct meetings.⁸⁶⁹ Meeting sizes typically varied from five to twenty participants, although some combined precinct meetings for specific issues have attracted up to one hundred people of more varied age than normal precinct meetings.⁸⁷⁰ As suggested below, however, attendances at meetings does not give a complete indication of the interest from the broader community in the activities and issues addressed by precincts.

Environmental issues addressed by the precincts

Precinct members were asked to list any environmental issues or policies they had commented on or been involved with. Survey respondents collectively mentioned fifteen different environmental issues that precincts had either discussed or contributed to over their short existence to July 2001. These were waste management; parks and reserves; weed management; creeks and rivulets; wildlife destruction; genetically modified crops; noise pollution; erosion control; foreshore management and river pollution; stormwater runoff; the car body clean up; the inter-city cycleway; trail bike noise; a dog exercise area; and dog droppings.

A survey question following this one also revealed that 44 percent of precinct members did not think they would have discussed or contributed to some environmental policy development or implementation, if the precinct system had not been in place. Thirty percent said they would have been involved without the precinct system, while 26 percent said they were unsure. This question also revealed that precinct members and the broader community not only had input into policy making, but on occasions had a role in policy implementation if they were prepared to take up this challenge - a prime example being the weed management strategy. In the case of Humphrey's Rivulet and Benjafield Park, however, the opportunity for policy input

⁸⁶⁹ Other methods of informing the community include placing information in school newsletters, at community noticeboards, and at local shops. Zwart, *Observations of Glenorchy City Council Precinct and Council Meetings*.

⁸⁷⁰ *Ibid*; and Glenorchy City Council, *Councillors*.

also created small community groups around these places, which included members from outside the precincts themselves.

Motivation to attend precinct meetings

Having established the demographics of the group, the survey then aimed to establish what motivates people to attend precinct meetings. The first two questions on the survey, therefore, asked why people attended their first precinct meeting, and why they continued to do so. The second question aimed to establish whether people continued to maintain their initial motivations for attending the meetings over time, or if any new reasons for attending precinct meetings had emerged in the course of their involvement. For both questions, respondents were asked to choose from eight possible replies, with multiple answers allowed. The categories provided were economic issue; social issue; environmental issue; interest in local community; interest in council activities; exercise democratic right; friendship; and other. As with all questions, respondents were asked to tick an appropriate answer, with space given below the question for them to elaborate.⁸⁷¹

The answers provided to the first question: ‘Why did you attend your first precinct meeting?’ is presented in the following table.

Table 1: ‘Why did you attend your first precinct meeting?’

Issue	Number of responses	Percentage of Total
Economic	7	6
Social	7	6
Environmental	17	14
Interest in local community	43	35
Interest in council activities	34	27
Exercise democratic right	8	6
Friendship	4	3
Other	4	3
Total	124	100

⁸⁷¹ The interpretation of what was an environmental, social or economic issue was left to the respondents. Clearly these categories are not always mutually exclusive, however to spell out how issues should be classified would have been a futile task. The categories do at least give some indication of the reason people attended their first meeting.

As Table One illustrates, most people attended their first precinct meeting due to either a general interest in their local community or the activities of the council. Others were entirely or partly motivated by a specific issue, with fourteen percent of respondents claiming an environmental issue had been among their reasons for attending their first meeting. About the same number suggested an economic or social issue had motivated them to attend. A small number of attendees did so to meet new people or because a friend invited them along, while four attended for some other reason.

Of those who used the opportunity to elaborate on this question, a variety of reasons were provided. Some people had been involved in council activities well before the precinct system developed, and stated they saw the precinct system as a way of maintaining their involvement with the council. Others were there to represent organisations in the community such as a local school, while numerous people cited individual activities which interested them and over which they hoped to have some influence.⁸⁷² This was either because they had an existing dispute with the council that they had hoped to have resolved, or because they wanted to help a specific local community. Other people's interest was less specific, being either curiosity in the precinct system, wanting to learn more about council activities, or to have a say on local issues generally.

The second question asked: 'If you have attended more than one meeting, why do you continue to do so?' The answers provided are presented in Table Two.

⁸⁷² Examples include disputes with the council over road safety and a new BMX track, to support the possible extension of the city's cycleway to further parts of the city, and to assist a nursing home.

Table 2: ‘If you have attended more than one meeting, why do you continue to do so?’

Issue	Number of responses	Percentage of Total
Economic	6	5
Social	13	10
Environmental	15	11
Interest in local community	44	33
Interest in council activities	37	28
Exercise democratic right	7	5
Friendship	6	5
Other	3	2
Total	132	100

The answers provided reflect those of the first question, with a few minor changes to the group’s collective reasons for attending. There were two less people motivated by environmental issues and six more by social issues, while a couple of additional people cited friendship as a motivation to attend subsequent meetings. The vast majority, however, were still either entirely or partly motivated by a general interest in either their local community or council activities, rather than simply a specific issue.

Of the nineteen people who provided more detailed answers, six cited their election as an office bearer a reason for their continued attendance. Others suggested motivations beyond their initial ones had maintained their interest in attending meetings. For instance, one man who originally attended a meeting due to a specific dispute with the council, stated he had developed a greater interest in the views of the council officers’ priorities and views. Furthermore, he continued to attend because he was a keen gardener wanted a say on the issue of backyard burning, which was being debated as part of the council’s review of waste management. Another person felt the meetings ‘have kept us in touch with our council – brought us together and helped us to know each other and what we want for our community – and in friendship.’

The comment was also made that those people who continued to attend meetings over a long period of time ‘tend to be committed and want to make some real progress.’ This is not the case for some people, who may attend a meeting once or twice a year to raise a particular issue of concern to them, and do not continue to attend meetings.

However, others choose to stay on and take an active interest in other issues or activities of the precinct, council or community. Thus precincts also provide an avenue for people to assist in helping their local community. This theme became even more evident after observing precinct meetings, and in the answers to the second group of survey questions.

Involvement in community and council organised events

The second group of questions were designed to determine whether, as a result of the introduction of the precinct system, new relationships had developed within the community, or between the community and the council. Thus the first question asked the degree to which people who attend precinct meetings are also involved in other community groups, while the second questioned whether this involvement had changed or increased as a result of the additional opportunities made available through their local precinct. Answers provided to the question: ‘Are you involved in any community organisations currently, and if so, in what capacity’, are provided in the Table Three below.

Table 3: ‘Are you involved in any community organisations currently, and if so, in what capacity’

Response	Number
No	15
Yes, other than precinct or council	34
Yes, linked to precinct or council	13

Of the 52 surveys received, 34 people or approximately two thirds of those answering the survey suggested they were occupied with one or more community organisations. Of those 34 people, each on average was involved in a little over two, with some more active members involved in up to six community organisations. While some of these were related to people’s occupation, the majority were involved in a voluntary organisation on that basis, such as Neighbourhood watch, the Glenorchy History Group, the Tasmanian Fire Service, or a Community Centre. Those precinct members responding to the survey were involved in a total of 53 different community

organisations separate from or not initiated by the precincts, many of them holding senior positions in their respective organisations. A large number of people also answered this question by citing their involvement in the precinct, or community activities that the council or precinct had participated in or initiated.

The second question regarding people’s involvement with local community groups was designed to assess whether they had become more involved in local community activities as a result of attending precinct meetings. The question therefore asked to what extent people agreed with the statement: ‘Attending precinct meetings has lead to an increase in my involvement in other community or council events.’ The results are presented in Table Four.

Table 4: To what extent do you agree with the statement: ‘Attending precinct meetings has lead to an increase in my involvement in other community or council events.’

Response	Number	Percentage of Total
Strongly Agree	15	29
Agree	27	52
Unsure	3	6
Disagree	6	12
Strongly Disagree	1	2
TOTAL	52	100

The results show seven respondents disagreed or strongly disagreed with the statement, as their involvement had not increased beyond attending the meetings themselves. This was due to their dedication to other local organisations, or other commitments.⁸⁷³ The vast majority, however, being 42 of the 52 respondents (or 81 percent), either agreed or strongly agreed that attending precinct meetings had increased their involvement in other community or council events. This was primarily due to the enhanced opportunities for input into council’s decision making, their ability to undertake plans and activities themselves, and the possibility of involving wider sections of the community in doing so. Examples of such activities include combined precinct meetings for issues such as barking dogs and trail bikes;

⁸⁷³ Of the three that were unsure, one said she was always involved in community events, while another said any increased community involvement would have occurred anyway.

plans for a community library; and barbeques, picnics and fun days for an entire neighbourhood or precinct. These reasons for people’s increased involvement in council and community events are further highlighted in answers to the following questions relating to the environment.⁸⁷⁴

Interest and knowledge in the environment

The final group of questions concerned the effect attending precinct meetings has had on people’s general awareness of their local environment; understanding and questioning of the council’s environmental roles and functions; and interest in environmental issues. These questions focussed on the environment due the assertion in the literature that a more environmentally informed public will favour decisions benefiting the natural environment. Four questions were asked of respondents, the answers to which will now be presented.

The first question asked to what extent people agreed with the statement: ‘Attending precinct meetings has increased my awareness of my local environment.’⁸⁷⁵ Table Five summarises the answers provided:

Table 5: To what extent do you agree with the following statement: ‘Attending precinct meetings has increased my awareness of my local environment.’

Response	Number	Percentage of Total
Strongly Agree	13	25
Agree	31	60
Unsure	1	2
Disagree	6	12
Strongly Disagree	0	0
TOTAL	51	100

⁸⁷⁴ It could be assumed, that at least some of the same effects on respondents shown in the questions relating to the environment, would also be applicable to social and economic issues.

⁸⁷⁵ This question was deliberately left to people’s interpretation to allow for a variety of responses, rather than simply specifying the term natural environment, which itself is contested and could be confusing.

For a variety of reasons, 85 percent of those who answered this question stated they had become more aware of their local surroundings generally, or the natural environment specifically, since attending precinct meetings. Some respondents explained this due to the opportunity precinct meetings presented to learn what the council and community members were doing for their local environment. Others stated they had developed a greater interest and knowledge about their local environment, or had become involved in activities to help their local environment.⁸⁷⁶

The second question asked the extent to which precinct attendees have developed a greater understanding about the Glenorchy City Council’s environmental roles, responsibilities and powers since attending the precinct meetings. Their answers showed that the vast majority answered positively to this question, as Table Six demonstrates.

Table 6: To what extent do you agree with the following statement: ‘I have a greater understanding of the Glenorchy City Council’s environmental roles, responsibilities and powers since attending the precinct meeting.’

Response	Number	Percentage of Total
Strongly Agree	12	23
Agree	32	62
Unsure	3	6
Disagree	3	6
Strongly Disagree	2	4
TOTAL	52	100

Again 85 percent of respondents considered they were better informed about the environmental roles and responsibilities of the council.⁸⁷⁷ Among the issues they felt better informed about were waste management issues, weed problems in the city, noise pollution, waste water management, soil erosion, creeks and rivulets, and specific ‘Greenlinks’ projects supported by the council, and funded by the Federal Government’s Natural Heritage Trust.⁸⁷⁸ One consequence of this greater awareness

⁸⁷⁶ Those that disagreed stated they had always been aware of their local environment.
⁸⁷⁷ Once again, those who disagreed with the statement did so because they were well informed before they had attended precinct meetings.
⁸⁷⁸ ‘Greenlinks is a National Heritage Trust funded initiative of the Kingborough, Hobart and Glenorchy councils, with the purpose of rehabilitating the rivulets flowing off Mt. Wellington. It

is that people are then more likely to question the environmental policies of the council, as evidenced by the answer to another question outlined in Table Seven.

Table 7: To what extent do you agree with the following statement: “I am more likely to question the environmental policies of the Glenorchy City Council since attending precinct meetings”.

Response	Number	Percentage of Total
Strongly Agree	13	26
Agree	23	46
Unsure	5	10
Disagree	9	18
Strongly Disagree	0	0
TOTAL	50	100

Of the 72 percent who answered positively, some stated the reason they asked more questions was simply due to the opportunity precinct meetings provide for this to occur. A large number also stated not only did they now have a greater opportunity to ask questions of councillors and staff, but they are more confident in doing so due to the opportunity precincts give to develop relationships with these people, and understand their individual roles within the organization. This assertion is supported by the 84 percent of people who agreed with a statement that they were more likely to discuss environmental issues with council officers and staff. A third reason for the increased interest in environmental issues, is that respondents generally considered staff and councillors willing to listen and respond to their queries, or give reasons why they could not respond. The high likelihood of an issues recognition and action provided a further incentive for people’s continued interest. As one respondent stated:

Because issues are raised in a forum situation where meeting consensus is arrived at, matters are officially, speedily acted upon and registered as such through the meeting minutes. This gives precinct members a real voice as well as confidence knowing that raised matters will be answered and maybe even addressed.

allows communities to access small projects of up to \$20 000, to be overseen by the Greenlinks project officer. Glenorchy City Council, Environmental Resource Officer.

A more inquisitive public may also be explained by some people's realisation that others in the community share similar views on environmental issues. Similarly, one person believed she was more likely to ask questions, as precinct attendance had highlighted to her the poor handling of environmental issues by the council. The majority of those who were no more likely to ask questions of the council suggested they were confident it was performing well in the environmental area.

The council's precinct system has then, satisfied the vast majority of people that the council will listen to, and where possible or necessary act on, their desires regards the environment. This view is supported by the 85 percent of respondents who agreed or strongly agreed that the Glenorchy City Council listened to their views about environmental issues. Clearly not everyone was satisfied, however, as two people or four percent disagreed with the statement. Similarly, 47 of the 51 people surveyed suggested they could raise any environmental issue they wanted at precinct meetings. Those that disagreed either raised issues that are dealt with at a State level, found another avenue to discuss an issue, or were probably unhappy that an issue they raised had not been taken any further by the council.⁸⁷⁹

⁸⁷⁹ For instance, one respondent suggested that issues that could not be raised were food standards and the Brighton incinerator (an incinerator planned for another council area). This incinerator was however discussed at Waste Management Task Force meetings after he raised the issue, and representatives from the proponents took up an invitation to attend one of their meetings and outline the technology to be used. Glenorchy City Council, Precinct Attendees. A precinct convenor also stated she had chosen not to raise an issue at a precinct meeting to avoid controversy, and had lodged a submission instead. Zwart, Observations of Glenorchy City Council Precinct and Council Meetings.

Appendix Two

Bronte Catchment Citizens Jury Recommendations

Introduction⁸⁸⁰

Thanks and acknowledgements

The Bronte Catchment Citizens Jury wishes to thank Waverley Council and the NSW EPA through the Stormwater Trust, and to acknowledge their past and current achievements in innovative approaches to environmental management.

In particular, the Citizens Jury wishes to recognise Council and the Stormwater Trust through the NSW EPA for their considerable commitment to community participation, as demonstrated by their unstinting support for this unique process.

Waverley Council and the NSW EPA have played a critical role in resourcing and supporting the Citizens Jury, and we wish to thank them for all of their contributions, without which this Project would not have been possible.

Vision and values

The Citizens Jury offer the following recommendations, underpinned by a profound vision of the Bronte Catchment and shared community values. These were developed in collective deliberation and discussion, and illustrated in creative visions of 'Bronte Dreaming.'

The following keywords summarise the values which underlie the recommendations of the Citizens Jury.

⁸⁸⁰ Elton Consulting. *Bronte Catchment Citizens Jury Foreword and Recommendations*.

- Participation
- Participatory engagement
- Sustainability
- Integration
- Evidence-based, research
- Endorse and encourage innovation
- Restoration of the environment
- Ongoing
- Inter-connectedness
- Holistic – spiritual, emotional, physical
- Model for others
- Values
- Custodianship
- Inspiration
- Harmony
- Culture
- Sharing
- Temporary and permanent visitors
- Love of where we live

The recommendations

We – the Bronte Catchment Citizens Jury – believe that education, participation and urban planning are the most important ways to approach the problem of stormwater pollution. It worked on us, why not the rest of the community?

In recognition of the impact of the role of development, urban planning was viewed by the Jury as an important and innovative way helping to reduce stormwater pollution.

1. Key pollutants and research

We believe that ongoing research and monitoring should underpin all stormwater activities in the Bronte Catchment, to produce evidence-based approaches to stormwater management. This applies across the physical, technical, and social aspects of stormwater management. This is currently limited, particularly in relation to the monitoring and analysis of key pollutants.

Recommendations to Waverley Council and the NSW EPA through its Stormwater Trust.

1.1 Identify, adapt and resource successful and functional water quality research models.

1.2 That increased and regular monitoring be conducted of the sources of stormwater pollution in the catchment.

1.3 This monitoring should be especially focussed on non-visible sources of contamination, eg. phosphates, metals, nitrates, chemicals, detergents.

1.4 This monitoring needs to be conducted in partnership with community groups, such as schools, precincts, surf clubs, Beachwatch, Streamwatch etc; and universities linking to students doing internships and research projects.

1.5 This monitoring should have a participative and educative focus, utilising local knowledge and resources.

1.6 The professional support of this monitoring needs to be consistent, ideally coordinated by a permanently employed member of council (it is understood that this is already done by the Environment Services Manager of Council).

1.7 This monitoring needs to be regularly and widely reported.

1.8 The targets and impacts of preventative activities (such as education, participation, regulation) should be determined by monitoring and baseline benchmarks and post test measures.

2. Education and Participation

By education and participation, we mean building knowledge, attitudes, skills and behaviours through involving the community with stormwater issues, from whatever starting point they are at, and through whatever means most suits their needs.

Recommendations to Waverley Council:

Through our experience listening to expert speakers and discussing the issues raised with one another, we recommend that:

2.1 Any education must be evidence-based, ongoing, integrated, strategic and participatory.

2.2 Education of local business should be a major component of the stormwater education plan. This should emphasise community relationships between business, permanent visitors (residents) and temporary visitors to the catchment.

2.3 All stakeholders (businesses, permanent visitors and temporary visitors) need to feel involved and responsible. This links to enforcement strategies, in creating and abiding by stormwater regulatory initiatives.

2.4 There also should be a coordinated education strategy for temporary visitors to Bronte Catchment which links to the purpose of their visit and is place specific. eg. a Bronte walk, with picture signage highlighting flora, fauna and marine life, and with an ecological focus.

2.5 Education, participation and training should be closely integrated with other stormwater interventions as appropriate. Regulation, research, water quality

monitoring, and structural works should all have educational/participatory dimensions.

2.6 There should be an overarching Council education plan of which stormwater is a key component. This should establish priority issues for education, program objectives/outcomes, key target groups, and messages. It should also identify strategies for achieving outcomes and roles and responsibilities for implementing the education plan. The plan should recognise indigenous peoples and issues, and respect ethnic and cultural diversity.

2.7 Education should target council staff and Councillors to ensure that they understand and support the integration of stormwater issues into Council governance.

2.8 There should be ongoing funding to sustain education and participation initiatives identified in the plan. For example:

- interpretive signage (eg along Bronte walk);
- information targeted to specific community groups about particular issues;
- create and participate in festivals and public events (eg annual Water Festival, street theatre);
- target schools with existing stormwater educational materials;
- develop stormwater display material which could be used by community groups at events etc;
- seek business sponsors and supporters for education and participation initiatives (as funders and partners) and festivals;
- new resident 'induction' programs held once yearly – informal, educational, invitational;
- disseminate indigenous perspectives about the Gully area;
- create a Bronte Gully information walk.

Recommendations to NSW Minister for the Environment, NSW Minister for Local Government, the NSW Premier and NSW Cabinet:

2.9 The NSW government should be applauded for its far-sighted stormwater initiative. In particular, the growth of education strategies in this program is seen as the key to engaging communities in the ownership of and solutions to stormwater problems. For us, it has been a fulfilling and exciting process.

2.10 There should be continuing promotion of educational and participation tools within the stormwater program:

Councils should be encouraged to further develop stormwater education and participatory strategies within their stormwater management plans (SMPs);

Council staff and others involved in implementing SMPs should receive training in the use and integration of education and participation tools;

the capacity of councils to adopt integrated catchment approaches to stormwater management (that is, not just through the traditional engineering approach) should be enhanced through key objectives of the government's stormwater program.

2.11 The Urban Stormwater Education Program (USEP) should continue to provide coordination and support for local activities and develop resources and campaigns which provide a supportive context for councils' stormwater education.

Recommendations to the NSW EPA:

2.12 EPA to create a visiting performance group to visit schools.

3. Urban Planning

The Jury believes in an ecological and holistic approach to stormwater management issues, which should be directly reflected in Council's Planning Codes and

Regulations. Addressing stormwater pollution through urban planning should be linked to Council's management planning process and other existing community activities such as the bush regeneration program.

Recommendations to Waverley Council:

3.1 Stormwater planning should be closely integrated into council's STATUTORY PLANNING framework through more robust requirements.

3.2 Council should examine models developed by other councils including Kogarah Council; these measures are seen as vital medium and long term planning strategies to "slow the flow" and "reduce the flow".

3.3 In general, Council's urban planning strategies should examine water sensitive urban design techniques. The Jury endorses the approach by Kogarah Council in its new pilot Development Control Plan (DCP) and in particular in the areas which specifically relate to:

- reducing the site coverage of buildings for all new developments;
- setting improved ratios for impervious/pervious surfaces in all areas;
- improving run-off uptake by increasing vegetation coverage and setting specific requirements for deep planting.

In particular:

3.4 Council should research appropriately sized and designed RAINWATER TANKS for all residential and non-residential dwellings in the region.

3.5 Council should consider introducing COMPULSORY RAINWATER TANK SYSTEMS enabling rainwater re-use for new development and renovations, along with incentives for existing development. Material promoting uses and benefits of rainwater use in our environment should accompany this initiative.

3.6 Council should investigate changing codes to REDUCE SITE COVERAGE for all new developments.

3.7 We recommend that the proportion of IMPERVIOUS TO PERVIOUS surfaces is controlled in all areas, as per the Kogarah Council approach.

3.8 Council regulations and guidelines should provide native plant lists for DEEP PLANTINGS and require minimum coverage areas for development and renovation proposals.

Recommendations to Department of Urban Affairs and Planning (DUAP):

3.9 That these strategies should also be considered by DUAP.

3.10 That statewide urban planning regulations assist local councils with these objectives.

4. Regulation and Enforcement

We believe regulation and enforcement to be a legitimate and useful means to achieve improved stormwater quality. We believe the use of regulation and enforcement to be more effective when it is used in conjunction with other strategies. We believe that the use of this environment protection strategy must be made more visible.

We make the following recommendations. That Waverley Council:

4.1 Increase the use of enforcement to achieve stormwater quality objectives. Consideration needs to be given to the increased use of regulatory officers on weekends and public holidays.

4.2 Ensure the targeted use of regulatory activities to address key sources of contamination, including construction sites and business areas. For example, businesses should be consulted on the use of levies, fines or other economic

mechanisms that would most appropriately address rubbish generated in their immediate vicinity by their businesses or business activities. Special attention needs to be given to the protection of marine environments.

4.3 Increase the capacity of its existing regulatory staff (including Rangers, Building Inspectors and Environmental Health Officers) to collect evidence that can be adequately substantiated in court. This may require additional tools (for example, cameras) and training; it may also include pairing officers on duty.

4.4 Conduct programs that broaden the responsibilities of its regulatory staff. Support multi-tasking of these officers where appropriate. This includes the use of the proposed Parking Rangers.

4.5 Develop and promote mechanisms that allow residents to report stormwater pollution incidents. This should include a hotline.

4.6 Develop more effective mechanisms for providing regular feedback to the community about the use of enforcement to protect stormwater. For example, reports to accompany Mayors Column in local press and direct feedback to residents who report pollution events.

4.7 Develop programs to increase understanding of stormwater regulations amongst all users of the Bronte catchment. These to include improved signage which is accessible to all users.

4.8 Review and evaluate the effectiveness of its use of regulatory strategies to protect stormwater.

5. Capital Works and Innovative Projects

The Jury, at this stage, does not feel confident in making definitive recommendations about the range of mid-pipe and closer to source engineering interventions. The Jury feels that in order to develop recommendations in this area, more information is

needed especially with regard to relative costs and benefits of these types of interventions.

Recommendations to Waverley Council, NSW EPA and the NSW Department of Urban Affairs and Planning (DUAP):

Demonstration Projects in Partnership with others

5.1 Development of a Bronte sustainable stormwater homes initiative. This will include:

- partnership between Council/EPA and one or more interested home-owners to create a best practice example of sustainable stormwater practices in the context of redevelopment or extension of an existing dwelling;
- partnership between Council/EPA to do the same for a newly constructed dwelling;
- partnership between a sympathetic developer/builder and the Council/EPA/DUAP for a multi unit development.
- regular promotion and viewing opportunities for the community.
- These initiatives should showcase innovative technologies, for roofs, gutters, pervious surfaces and landscaping, use of appropriate paints etc.

5.2 Development of a Bronte sustainable stormwater business venture:

- Partnerships with established businesses in the catchment, such as laundries, automotive trades, cafes. This would model and demonstrate best practices in water use. The venture would also develop partnership with tradespeople such as builders, landscapers, dog washers, and other businesses active in the area.
- Regular promotion and viewing opportunities for the community.

5.3 Both these projects need to be able to be viewed by the community and regularly promoted.

Recommendations to Waverley Council, in particular:

5.4 In the context of Council's capital works program, funds available through Council's budget process should target known hotspots. For example, there are eroded areas in the park in Hewlett Street at the end of Alfred Street, while one of the GPT devices in the park regularly overflows and appears to malfunction.

5.5 Over a period of time, targeted replacement of non-porous surfaces in the public domain with new technologies and materials that are porous should be considered. Examples of this are initiatives in Kogarah and Manly Local Government Areas. Within the catchment, 'the cutting' might be an opportunity. Outside the catchment, the redesign of Bondi Junction Mall presents a great opportunity for a model piece of water sensitive urban design.

5.6 That Council develop important low cost projects, such as:

- Public car washing space;
- Community mulching station;
- Enhanced recycling system in the park;
- Additional bins and ash trays around strategic locations, including particularly bus stops, other gathering points;
- Adopt as a community initiative the Byron Bay film containers for cigarette butts.

Further recommendations

Specific recommendations regarding the Bronte Park Plan of Management Review, to improve water retention, reduce erosion, improve the natural amenity and enhance people's appreciation of the park:

6.1 The Jury recommends that the Bronte Park Plan of Management Review aims to restore biodiversity and a balanced ecosystem to the park, including flora, fauna and aquatic life.

6.2 We recommend that a high priority is placed on bush regeneration and restoration of the northern gully, western edge and southern gully, and that Council seeks ways (including grants) of speeding this process and enabling full-time work to be undertaken to achieve this.

6.3 We recommend interesting, positive, educative and informative signs are created and located in relevant areas that:

- Explain for example, what an intertidal protection zone is, what is there that we want to protect, and what people can and can't do to help to protect it. It is recommended that one of these signs face the northern rock platform where people's attention can easily be drawn to the sign.
- Explain similarly for example, what bush regeneration is, what it is achieving and what will be achieved ultimately, and how people might be able to join in. (An artist's impression of the restored slopes).
- Explain water quality and what the water course would have been originally, what is being done in the Park to improve it and ways that council and everyone can/is helping to contribute.

6.4 Stormwater is a priority issue in the community and stormwater education should be integrated within the activities of all stakeholders. These include:

DUAP

Ethnic Communities Council

Sydney Water

RTA

Catchment boards

Relevant industry associations

Commonwealth funding bodies.

7. What comes next?

Recommendations to Waverley Council:

7.1 That Waverley Council receive the recommendations from the Citizens Jury at their next available Council meeting.

7.2 That Waverley Council accept the recommendations relevant to them and report to Jurors on the progress through the BCP.

7.3 That Council enables BCP to facilitate an opportunity for the Jury to respond to the above.

7.4 That Waverley Council seek partnerships with funders, to support the on-going implementation of the recommendations.

7.5 That recommendations from the Jury can be used to support any applications made by Council to the Round 4 Stormwater Trust grants.

Recommendations to Bronte Catchment Project (BCP):

7.6 That the Bronte Catchment Project facilitate the on-going feedback to the Jurors about the progress of the implementation of the recommendations, while the project is funded until mid-November.

7.7 That the recommendations from the Citizens Jury should be sent to Waverley Council, EPA, DUAP, and other relevant bodies by the BCP.

7.8 That the BCP facilitate media coverage of the process and the recommendations.

7.9 That the BCP facilitate the presentation of the findings from the Citizens Jury to relevant precincts, the combined precincts, local clubs and service organisations, such as the Bronte Surf Club, Bronte Gully Bushcare, etc.